

	<b>SHE SPECIFICATION</b> <b>General Service Contracts</b>	Template Identifier	240-73419711	Rev	2
		Document Identifier	001 - 4516910	Rev	1
		Effective Date	20 February 2016		
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Project Name: Supply & delivery of live work rubber GOU

Project Address: GOU sites

### Scope of the project:

Gauteng Maintenance and Operations live workers use live work rubber equipment i.e. gloves, sleeves, blankets, hoses, bypass jumpers etc. to perform live work maintenance and repairs on Eskom's networks.

This equipment is used by live workers as personal protective equipment and as insulation material when performing live work.

This equipment must be inspected and tested at the Live Work Test Facility (Simmerpan) at regular intervals and in accordance with the relevant Eskom care and maintenance standards.

Eskom Project Manager

Name: \_\_\_\_\_

Eskom's Health and Safety Manager

Name: \_\_\_\_\_

Eskom's Procurement Manager

Name: \_\_\_\_\_

Eskom's Safety Officer

Name: \_\_\_\_\_

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## 1. Introduction

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

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

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

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

This SHE specification reflects minimum requirements and contractor cannot consider the document as all encompassing.

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

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

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

Where requirements listed are already in place, the organisational requirements must take cognisance of all listed in the respective of SHE plans. If there are any additional Eskom and or legislative requirements listed in the SHE specification, then the contractor can address those requirements.

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## 2. Supporting Clauses

### 2.1 Scope

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

#### 2.1.1 Purpose

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

#### 2.1.2 Applicability

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

### 2.2 Normative/Informative References

Parties using this document shall apply the most recent edition of the documents listed in the following paragraphs.

#### 2.2.1 Normative

- [1] Basic Conditions of Employment Act No 75 of 1997.
- [2] Occupational Health and Safety Act and Regulations No 85 of 1993.
- [3] National Environmental Management Act 107 of 1998.
- [4] National Road Traffic Act 93 of 1996.
- [5] 32-37 Eskom Substance Abuse Procedure.
- [6] Civil Aviation Act 13 of 2009.
- [7] Air Services Licence Act 115 of 1990.

#### 2.2.2 Informative

- [1] 32-726 Mandatory SHE Requirements for Eskom Procurement and Supply Chain Management
- [2] 240-62196227 Eskom Life Saving Rules
- [3] Tobacco Products Control Act 83 of 1993 (Updated 2011.05.19)

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- [4] SANS 1186 Symbolic Safety Signs
- [5] Constitution of the Republic of South Africa No 108 of 1996
- [6] 32-95 Eskom Procedure Manual for Performing Occupational Health & Safety Management & Environmental Management: Conducting EH&S Incident Management.

## 2.3 Definitions

Definition	Explanation
<b>Appointed contractor</b>	Means a contractor appointed by the principal contractor
<b>Baseline assessment risk</b>	(32-520) baseline operational risks refer to the health and safety risks associated with all standard processes and routine activities in the business
<b>Client</b>	Eskom representative (Internal – Asset Owner), also referred to as the contract administrator/custodian or agent or project manager (as defined in the contract). He / she is the person responsible for executing the works or services in terms of the contract, as well as adherence to legislation pertaining to the contract.
<b>Competent person</b>	(OHS Act) means any person having the knowledge, training, experience, and qualifications, specific to the work or task being performed, provided that, where appropriate, qualifications and training are registered in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)
<b>Contractor – includes appointed contractor</b>	means an employer as defined in section 1 of the Act who performs contract work and includes principal contractors
<b>Consultant</b>	means a person providing professional advice
<b>Duty of care to the environment</b>	(32-136) anybody who causes, has caused, or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing, or recurring. If such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, such person must minimise and rectify such pollution or degradation of the environment
<b>Employee</b>	(OHS Act) means, subject to the provisions of subsection (2), any person who is employed by or works for an employer and who receives or is entitled to receive any remuneration or who works under the direction or supervision of an employer or any other person

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Definition	Explanation
<b>Employer</b>	(OHS Act) means, subject to the provisions of subsection (2), any person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him/her, but excludes a TES (ex labour broker) as defined in section 1(1) of the Labour Relations Act 1956 (Act No. 28 of 1956)
<b>Eskom requirements</b>	Eskom requirements flowing from directives, policies, standards, procedures, specifications, work instructions, guidelines, or manuals
<b>Hazard</b>	(OHS Act) means a source of, or exposure to, danger
<b>Hazard identification</b>	(OHS Act) means the identification and documenting of existing or expected hazards to the health and safety of persons, which are normally associated with the type of construction work being executed or to be executed
<b>Health and safety file</b>	(OHS Act) means a file or other record, containing the information in writing required by the construction regulations.
<b>Health and safety plan</b>	(OHS Act) means a site, activity or project specific document plan in accordance with the client's health and safety specifications.
<b>Health and safety specification</b>	(OHS Act) means a site, activity or project specific document prepared by the client pertaining to all health and safety requirements related to construction work.
<b>Health and safety requirements</b>	Means comprehensive health and safety requirements for a contract, project, site, and scope of work. This specification is intended to ensure the health and safety of persons, both workers and the public, and the duty of care to the environment. The health and safety requirements must be specific to each contract, project, site, and scope of work
<b>Medical certificate of fitness</b>	(OHS Act) means a certificate specific to the work on site, and issued by an occupational health practitioner in the form of Annexure 3 of the construction regulations.
<b>Medical surveillance</b>	(OHS Act) means a planned programme or periodic examination (which may include clinical examinations, biological monitoring, or medical tests) of employees by an occupational health practitioner or, in prescribed cases, by an occupational medicine practitioner
<b>Method statement</b>	(OHS Act) means a written document detailing the key activities to be performed in order to reduce, as reasonably as practicable, the hazards identified in any risk assessment

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Definition	Explanation
<b>Organisation</b>	may be defined as a group of individuals (large or small) that is cooperating under the direction of executive leadership in accomplishment of certain common objects
<b>Pre-job meetings</b>	(34-227) means a meeting that is held prior to the commencement of the day's work and that is attended by all the relevant employees associated with the work task
<b>Principal contractor</b>	(In the text of this document) Means an employer, as defined in section 1 of the OHS Act, who intends to tender for or has signed a contract with Eskom for services rendered.
<b>Provincial director</b>	(OHS Act) means the provincial director as defined in Regulation 1 of the General Administrative Regulations under the Act
<b>Responsible Manager</b>	Is a Manager of a department, section or operating/business unit who has been appointed as part of the Eskom delegation of authority process with the aim to assist the applicable 16(2) assigned person in executing his/her duties in terms of the Occupational Health and Safety Act
<b>Risk assessment</b>	(OHS Act) means a programme to determine any risk associated with any hazard at a construction site in order to identify the appropriate to remove, reduce, or control such hazard.
<b>Site</b>	(34-228) means an Eskom department, unit, complex, building, specific project, work site, or the site where agents, clients, principal contractors, contractors, suppliers, vendors, and service providers provide a service to Eskom, directly or indirectly
<b>Service provider</b>	any private person or legal entity that provides any service(s) to Eskom for compensation
<b>Task</b>	(34-227) a segment of work that requires a set of specific and distinct actions for its completion
<b>Toolbox talks</b>	(34-227) where the team leader, after conducting pre-task planning, shares all the tasks at hand and discusses task allocation, the identified risks, and the control measures with all his/her team members on site before commencing a specific task and documenting the agreed strategy. (This should take place on site to ensure common understanding of the tasks, risks, and control measures required.)
<b>The Act</b>	(OHS Act) means the Occupational Health and Safety Act No. 85 of 1993, as amended, and the Regulations thereto

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Definition	Explanation
<b>Visitor</b>	Any person visiting a workplace with the knowledge of, or under the supervision of, an employer.

## 2.4 Abbreviations

Abbreviation	Description
<b>BU</b>	Business Unit
<b>CE</b>	Chief Executive
<b>COLD Act</b>	Compensation for Occupational Injuries and Diseases Act
<b>CR</b>	Construction Regulations
<b>DMR</b>	Driven Machinery Regulations
<b>DoL</b>	Department of Labour ( Inspection and Enforcement services – Provincial office)
<b>EP</b>	Emergency Preparedness
<b>EAP</b>	Employee Assistance Program
<b>ERfW</b>	Environmental Regulations for Workplaces
<b>GAR</b>	General Administrative Regulations
<b>GSR</b>	General Safety Regulations
<b>HCS</b>	Hazardous Chemical Substances
<b>LDV</b>	Light Delivery Vehicle
<b>MSDS</b>	Material Safety Data Sheets
<b>NEMA</b>	National Environmental Management Act
<b>OHS Act</b>	Occupational Health and Safety Act and Regulations, 85 of 1993
<b>SABS</b>	South African Bureau Standard
<b>SANS</b>	South African National Standard

## 2.5 Related/Supporting Documents

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

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### 3. Specification

#### 3.1 Scope of work

Supply, deliver and off-loading of granular & liquid Herbicides GOU to various Eskom sites in the Gauteng OU on “As and when Required” basis for a 36 month period.

#### 3.2 Legal Compliance

##### 3.2.1 Section 37(2) (Legal) Agreement

Eskom and principal contractor must sign the Section 37(2) agreement at the time of awarding the contract. The principal contractor must ensure that the Section 37(2) agreement is in place between the principal contractor and all their appointed contractors for the contract. The contractor and responsible manager must retain an original copy of the Section 37(2) agreement. A copy all the agreements must form part of the respective contractor’s SHE files.

##### 3.2.2 Hazardous work by children (Child Labour)

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

1. being protected from exploitative labour practices.
2. not to be required or permitted to perform work or provide services that
  - i. are inappropriate for a person of that child’s age; or
  - ii. Place at risk the child’s well-being, education, physical or mental health or spiritual, moral or social development, and the Basic Conditions of Employment Act, Chapter 6 Section 43 “Prohibition of employment of children”.

Before resorting to the use of child labour, due consideration should took place to give the child’s right in terms of the constitution. If work does not prohibit the child in terms of the constitution, then the contractor should conduct such work in terms of the OHS Act “Regulations on Hazardous Work by Children in South Africa” with emphasis on paragraph 2

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Purpose and Interpretation. Eskom does not condone the use of child labour and therefore the contractor should exercise all efforts and child labour should not take place.

### 3.2.3 OHS Act

The principal contractor and appointed contractors shall have an up-to-date copy of the OHS Act and regulations, which will be available to all employees.

### 3.2.4 Legislative compliance

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

- The Constitution of the Republic of South Africa (particularly Section 24 of the Bill of Rights).
- Occupational Health and Safety Act 1993 (Act 85 of 1993) and its Regulations.
- Compensation for Occupational Injuries and Diseases Act.

## 3.3 Eskom Requirements

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

### 3.3.1 Appointment of a contractor

Eskom must appoint the principal contractor on the awarding of the contract, and the principal contractor will be responsible and accountable for all legislative and Eskom requirements for the duration of the contract.

### 3.3.2 Appointment of sub-contractors

The principal contractor may appoint contractors to assist in the contract. All appointments shall be in writing and will form part of the SHE plans, which is one of the Eskom's requirements at the tender stage. Adequate training and instruction must be in place to the appointees and the principal contractor must ensure that all the appointed contractors understand their roles and responsibilities.

**Note:** Principal contractor must the copies of contractor appointments in the respective SHE files.

### 3.3.3 SHE policy

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A SHE policy is a statement of intent and commitment by the organisation's CE and senior management in relation to the relevant SHE roles and responsibilities, and the achievement of their strategic objectives, values of integrity, customer satisfaction, excellence, and innovation. The principal contractor and all appointed contractors, if already not in place, will be required to compile an organisational SHE policy in line with their SHE responsibilities. The organisation's CE or the appointed assistant must sign the policy. The principal contractor and subcontractor must display their health and safety policy in a prominent place within the workplace. A copy of the policy must be in place to all SHE files.

### 3.3.4 COLD

The principal contractor and all his / her appointed contractors shall be registered with an appropriate employment compensation commissioner and have available a valid letter of good standing (LoGS) from such commissioner. The obligation lies with the contractors to ensure that the LoGS remains valid throughout the contract period. A copy of the valid LoGS must be in place in the entire contract SHE files.

## 3.5 Personnel Health / Hygiene Facilities N/A

### 3.5.1 Dining areas

Where employees are required to consume food and refreshments at the food premises, the principal contractor or sub-contractor must meet the following requirements:

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

Principal contractor and contractors shall keep work areas clean, tidy and hygienic manner.

### 3.5.2 Ablution facilities

At the workplace, where possible, all contractors must attempt to provide sufficient portable ablution facilities for the employees; principal contractors and contractors must service those facilities regularly

### 3.5.3 Drinking water

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

### 3.5.4 Changing areas and lockers N/A

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

### 3.5.5 Camp / office welfare N/A

The principal contractor and subcontractor must provide the following welfare facilities in a clean and suitable condition, unless agreement with the client / agent's representative has taken place regarding the use of existing facilities:

- a. Shower facilities.
  - b. Sanitary facilities.
  - c. Changing facilities.
  - d. Eating areas.
  - e. Drinking water at strategic locations on site.
  - f. Safe pedestrians walkways.
1. Principal contractor and contractor shall draw for water for drinking / consumption purposes from taps in dining areas and ablution blocks and at points on site marked "drinking water".
  2. Principal contractor or sub-contractor must not connect any equipment or system onto the drinking water system without prior approval of the Client/Agent's representative.
  3. All contractors must supply a sufficient amount of (cool) potable water on each worksite and in vehicles
  4. The Contractor will be required to provide their own accommodation for the workers

## 3.6 Food Handling Hygiene

### 3.6.1 Storage

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

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### 3.6.2 Transportation

Where bulk purchasing took place, all food must be in appropriate sealable containers during transportation.

### 3.6.3 Handling

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

## 3.7 Occupational Health, Hygiene and Rehabilitation

All contractors are required to develop an Occupational Health, Hygiene and Rehabilitation program. The health programme should be in place, to identify and control the risk of health.

### 3.7.1 Medicals

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

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

### 3.7.2 Health and wellness

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

### 3.8 Appointments

For the duration of the contract, the principal contractor and all appointed contractors shall appoint competent employees who will meet the requirements of the OHS Act. Where appointments are in place, contractors shall ensure that the appointees are competent and suitable for those appointments with its roles and responsibilities. The relevant statutory appointments shall be inline in accordance with the requirements of the OHS Act. The statutory appointments should include but not limited to: Fire Fighter and Evacuation warden, First Aider, 16(2) appointment.

### 3.9 Roles and Responsibilities

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

### 3.10 Risk Assessments

It is a legal requirement in terms of Section 8 (2)(d) of the OHS Act for an employer to carry out risk assessments to establish what hazards to the health and safety of persons are attached to any work which is performed, any article or substance which is, handled, stored, transported. A risk assessment is the process for the identification of hazards present in an organisation and an estimate of the extent of the risks involved, taking into account whatever precautions that are already in place. It is essentially a three-stage process:

- identification of all hazards;
- evaluation of the risks, and
- measure to control the risks.

The principal contractor and contractor must review risk assessments to keep them updated. This means that significant changes to a process or activity, or any new process or activity should start by a risk assessment to identify new hazards and risks. Contractor should review and update periodical the risk assessments for long-term. Method statements or written safe work procedures are an effective method as information and record of the way jobs / tasks will occur on site. Prior to start of work, risk assessments on every job / task are ideal to allow managers and employees to assess any inherent risks during the initial risk assessment or

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any changes that might have occurred in a period of absence. In particular, if a job / task is extended over a day or halted due to inclement weather.

### 3.11 Incident Investigation

All incidents shall be investigated in terms of OHS Act General Administrative Regulations 8 and 9, using Eskom Procedure 32-95 as a reference, and where injuries as contemplated in sections 24 and 25 have been sustained, be reported to the Department of Labour. Contractors shall use the standard General Administrative Regulation Annexure 1 "Recording of an Incident" form for all incident investigation reports. The objective of incident investigation, not only being a legal requirement, is to establish why and how the incident occurred, but to find out the real causes of the incident and to decide on precautionary measures that are required to address the causes to prevent any further recurrences of the same or similar incidents.

### 3.12 Emergency Management

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

Periodic emergency drills must take place to test the effectiveness of the plan; a record must be in place and available on request.

#### 3.12.1 Non-Conformance and Compliance

1. Any non-compliance to any health and safety requirement in this SHE specification is subject to discipline in terms of the Eskom Procurement and Supply Management Procedure.
2. Principal contractors are required to implement a non-conformance procedure (if not already in place) for issuing to contractors for transgressions. The procedure can include "quality" related non-conformance issues. Similarly, appointed contractors must implement a non-conformance procedure.
3. All parties should conform strictly with the procedure for the issuing and closing off non-conformance reports.
4. Contract management must close out non-conformances issued, in not doing so, will not ensure the implementation of recommendations.

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5. Where non-conformances are issued by Eskom, then one of the close-out steps of the procedure will be for the offender to be called on by the contractor responsible manager to explain the non-conformance issued and what they intend doing to prevent a recurrence of the non-conformance.
6. Contractor failure to provide adequate PPE to their employees for the tasks in operation and/or to visitors and failure to enforce the wearing of such PPE will be a transgression of the legislative and Eskom requirements.

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