 Eskom	Standard	
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Title: **OHS Roles and Responsibilities and Statutory Appointments**

Document Identifier: **240-62582234**

Alternative Reference Number:

Area of Applicability: **Eskom Holdings SOC Ltd**

Functional Area: **OHS**

Revision: **3**

Total Pages: **26**

Next Review Date: **September 2026**

Disclosure Classification: **Controlled Disclosure**

Compiled by



**S Govender**  
Middle Manager - OHS  
Risk & Sustainability  
OHS

Functional  
Responsibility



**M Moahlodi**  
Senior Manager – OHS  
Risk & Sustainability  
OHS

Authorised by



**K Pather**  
General Manager  
Risk &  
Sustainability

Date: 30 August 2021

Date: 30 August 2021

Date: 31 August 2021

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## **1. Introduction**

Eskom has incorporated Zero Harm as one of its values. To achieve the value of Zero Harm, an integrated Safety, Health, Environment and Quality (SHEQ) organisational structure with clearly defined roles and responsibilities must be established and operationalised. This structure must enable compliance with legislative and Eskom requirements. The communication channels at all levels and how these structures interface should be clearly defined.

**This document focuses on the Occupational Health and Safety (OHS) component of the integrated SHEQ organisational structure.**

## **2. Supporting Clauses**

### **2.1 Scope**

This document addresses occupational health and safety governance roles and responsibilities and the statutory appointments applicable to Eskom.

#### **2.1.1 Purpose**

The purpose of this standard is to provide clear requirements for the occupational health and safety component of the integrated SHEQ organisational structure, the relevant roles and responsibilities, and statutory appointments.

#### **2.1.2 Applicability**

This document shall apply throughout Eskom Holdings SOC Limited divisions, subsidiaries, and any entity in which Eskom has a controlling interest.

#### **2.1.3 Effective date**

The standard is effective from date of authorisation and implementation of this standard shall be monitored after a period of six months from the authorisation date.

## **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] ISO 9001 Quality Management Systems
- [2] ISO 45001: Occupational Health and Safety Management Systems, Requirements.
- [3] The Occupational Health and Safety Act (Act 85 of 93) and Regulations
- [4] The Mine Health and Safety Act (Act 29 of 1996)
- [5] 240-58515998 Health and Safety Agreement with Organised Labour

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- [6] Compensation for Occupational Injuries and Diseases Act (Act 130 of 1993)
- [7] Fire Brigade Services Act (Act 99 of 1987)
- [8] 32-727 SHEQ Policy
- [9] 240-49308149 Process Control Manual (PCM) for Occupational Health and Safety Management
- [10] 240-67166874 Process Control Manual (PCM) for Plan OH&S
- [11] 240-67171708 Process Control Manual (PCM) for Execute OH&S
- [12] 32-477 SHE Training and Development Procedure
- [13] 32-6 Document and Records Management Procedure

### **2.2.2 Informative**

- [14] 221-239 Terms of Reference Executive Management Committee (Exco)
- [15] 221-232 Terms of Reference Operating Committee
- [16] 240-67311486 OHS Steering Committee Terms of Reference
- [17] 240-67689113 Eskom Environmental Steering Committee

## **2.3 Definitions**

Note: where there are no definitions, the definitions as laid down in the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993 (OHS Act)), and its regulations shall be applicable.

**2.3.1 Chief Inspector:** Chief Inspector means an officer designated under section 27 of the Occupational Health and Safety Act No. 85 of 1993 as chief inspector, and includes any officer acting as chief inspector.

**2.3.2 Group Chief Executive:** in relation to a body corporate or an enterprise conducted by the State, means the person who is responsible for the overall management and control of the business of such body corporate or enterprise.

**2.3.3 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 full-time employee;
  - a part-time employee;
  - a person referred to as a learner (18.1) or an apprentice in the Conditions of Service for Bargaining Unit Employees;
- a non-permanent employee, which includes:
  - a person placed through a TES (includes a labour broker/personnel agency);

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- a casual employee employed for the purpose of the employer's business;
- an occasional employee;
- a vacation student;
- any person employed in terms of a fixed-term contract, and
- a bursary holder while under the supervision and/or direction of an employer.

**2.3.4 Employer:** means any person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him/her. The employer is Eskom Holdings SOC Limited and not the section 16(1) or section 16(2) appointee. The Act stipulates that a section 16(1) appointee is required to ensure that the duties of the employer (Eskom, in this instance) are properly discharged. The section 16(1) appointee accordingly assigns his/her duties (that is, to ensure that the duties of an employer are properly discharged) to the section 16(2) appointee. Responsible Managers assist with ensuring that the duties of the OHS Act are carried out.

**2.3.5 Line management:** means any employee in a leadership position from executive to supervisory level. This includes appointed Responsible Managers.

**2.3.6 Safety professional:** is any appropriately qualified person who is employed to perform OHS related activities as his/her primary role and job function. (This would exclude statutory Health & Safety Representatives.)

**2.3.7 OHS Steering Committee:** functions as a governance body responsible for, and playing a significant role in, making recommendations to Risk & Sustainability Mancom, Exco subcommittees, and the organisation on OHS management matters.

**2.3.8 Operating unit (OU)/business unit (BU):** in the context of this document, any reference to an OU/BU includes a defined unit within any Eskom division and its subsidiaries.

**2.3.9 Responsible Manager:** is a manager of a department, section, or operating/business unit who has been appointed as part of the Eskom delegation of authority process with the aim to assist the applicable 16(2) assigned person in executing his/her duties in terms of the Occupational Health and Safety Act.

**2.3.10 SHEQ Committee:** a SHEQ Committee is a governance structure that is established and governed by a terms of reference to address and decide on all OHS, environmental, and quality issues presented to it for a particular defined area of the business and includes subcommittees, where applicable. To accommodate the variations of names across the organisation, this committee includes committees at divisional, operating, and business unit level that address OHS, environmental, and quality issues, for example, Health and Safety Committees, OHS Committees, SHE Committees, etc.

**2.3.11 Work group:** is a group of subject matter experts or an interested group who are tasked to research, gather, evaluate, develop, and recommend solutions to OHS management problems.

**2.3.12 Workplace:** any premises or place where a person performs work in the course of his/her employment, including a private home or portion of it in the case of telework, a vehicle, aircraft, boat, or vessel.

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## 2.4 Abbreviations

Abbreviation	Explanation
<b>A&amp;F</b>	Audit and Forensic Department
<b>BU</b>	Business unit
<b>GCE</b>	Group Chief Executive
<b>COID</b>	Compensation for occupational injuries and diseases
<b>Exco</b>	Executive Committee
<b>GE</b>	Group Executive
<b>OHS Act</b>	Occupational Health and Safety Act
<b>OHS</b>	Occupational health and safety
<b>OU</b>	Operating unit
<b>SHEQ</b>	Safety, health, environment, and quality
<b>SLA</b>	Service-level agreement
<b>TES</b>	Temporary employment service

## 2.5 Roles and Responsibilities

The assigned manager, in terms of section 16(2) of the OHS Act, together with appointed responsible managers, shall be responsible for ensuring compliance with this standard within his/her designated area of responsibility.

## 2.6 Process for Monitoring

Compliance with the requirements of this standard shall be monitored by the divisions/operating units/business units, service function, and/or strategic function at least annually as part of an internal review process.

## 2.7 Related/Supporting Documents

[1]	240-64724798	Assignment of Duties in terms of Section 16 of the Occupational Health and Safety Act, Act No. 85 of 1993
[2]	240-64724984	Appointment of Section 16.2 Direct Reports as Responsible Managers for OHS and Environmental (Non-statutory)
[3]	240-64725178	Appointment of Managers as Responsible Managers for OHS and Environmental Responsibilities (Non-statutory)
[4]	240-153212065	Assignment of Duties i.t.o. of Section 16 of the OHS Act, Act No. 85 Of 1993 (Legal Appointments)
[5]	240-64729342	Health and Safety Representative Appointment – Sections 17, 18, and 19
[6]	240-64729432	Employer's Nominee for Health and Safety – Section 19(3)

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[7]	240-64729472	Statutory Health and Safety Committee Chairperson Appointment – Section 19(5) (non-statutory) stated non statutory??
[8]	240-64729572	Incident/Accident Investigator Appointment – GAR 9(2)
[9]	240-64729610	Diving Contractor – Diving Regulations 4
[10]	240-64729708	Principal Contractor 5(1)(k) – 2014 Construction Regulations
[11]	240-64738310	Client Agent 5(5) – 2014 Construction Regulations
[12]	240-64738494	Contractor 7(1)(c) – 2014 Construction Regulations
[13]	240-64738694	Construction Supervisors 8(7) – 2014 Construction Regulations
[14]	240-64738774	Assistant Construction Supervisors 8(8) – 2014 Construction Regulations
[15]	240-64738794	Construction Health and Safety Officer 8(5) – 2014 Construction Regulations
[16]	240-64738828	Competent Person to Perform Risk Assessments 9(1) – 2014 Construction Regulations
[17]	240-64960144	Excavation Supervisor 13(1)(a) – 2014 Construction Regulations
[18]	240-64961194	Demolition Supervisor 14(1) – 2014 Construction Regulations
[19]	240-64978847	Scaffold Work Operation Supervisor 16(1) – 2014 Construction Regulations
[20]	240-64978889	Suspended Platform Supervisor 17(1) – 2014 Construction Regulations
[21]	240-64978921	Material Hoist Inspector 19(8)(a) – 2014 Construction Regulations
[22]	240-65056357	Fire Equipment Inspector 29(h) – 2014 Construction Regulations
[23]	240-65057675	Competent Person Supervisor of Machinery – General Machinery Regulations 2(1)
[24]	240-65058023	Assistant to the Competent Person in Relation to Supervision of Machinery – General Machinery Regulations 2(7)(a)
[25]	240-65059335	Competent Person for Examination and Maintenance of Lifts – Lift, Escalator, and Passenger Conveyor Regulations 6(1)
[26]	240-65602239	Appointment Letter for Employer Representative Appointed in Terms of Section 4(1) of the Mine Health and Safety Act 29 of 1996, as amended (“MHSA”)
[27]	240-65602721	Appointment Letter for Assistant to the Chief Executive Officer appointed in terms of Sections 2A(2) of the Mine Health and Safety Act 29 of 1996, as amended (“MHSA”)

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[28]	240-65604207	Non-Statutory Health and Safety Committee Chairperson Appointment (Non-statutory)
[29]	240-65604295	Emergency Preparedness Appointment as Transport Coordinator (Non-statutory)
[30]	240-65604481	Emergency Preparedness Coordinator Appointment Department/Unit/Complex (Non-statutory)
[31]	240-65604549	Fire Coordinator/Fire Warden Appointment (Non-statutory)
[32]	240-65605597	Emergency Preparedness Appointment as Evacuation Official (Non-statutory)
[33]	240-65605729	Emergency Preparedness Appointment as Evacuation Coordinator (Non-statutory)
[34]	240-65605817	Tester for Emergency Lighting – Environmental Regulations for Workplaces 3
[35]	240-65606029	Co-opted Member to Serve on a Statutory Health and Safety Committee – Section 19(6)
[36]	240-65606057	Inspector of Ladders – General Safety Regulations 13A
[37]	240-65917781	First-aider – GSR 3(4)
[38]	240-65917965	Lifting Machinery Inspector – Driven Machinery Regulations 18
[39]	240-65919775	Appointment for Electrical Installations in Hazardous Locations – Master Electrician – Electrical Installation Regulations 9(2)
[40]	240-66754917	Lifting Tackle Inspector – DMR 18(10)(e)
[41]	240-68409461	Application for Exemption in Terms of Applicable OHS Legislation
[42]	240-69138410	Hazardous Chemical Substance Coordinator Appointment
[43]	240-75026954	Head of Emergency Preparedness for the Department/Unit/Complex (Non-statutory)
[44]	240-75027014	Emergency Preparedness Appointment as Communication Coordinator (Non-statutory)
[45]	240-83291153	Client Agent (Where Notification of Construction Work is Required) 5(6) – 2014 Construction Regulations
[46]	240-83290929	Designer 6 – 2014 Construction Regulations
[47]	240-83291403	Construction Manager 8(1) – 2014 Construction Regulations
[48]	240-83291299	Assistant Construction Manager 8(2) – 2014 Construction Regulations

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[49]	240-83818077	Fall Protection Plan Compiler 10(1) – 2014 Construction Regulations
[50]	240-83291369	Temporary Works Designer 12(1) – 2014 Construction Regulations
[51]	240-83291039	Temporary Works Supervisor 12(2) – 2014 Construction Regulations
[52]	240-83290213	Examiner of Suspended Platforms 17(8)(a) – 2014 Construction Regulations
[53]	240-83818019	Rope Access Works Supervisor 18(1)(a) – 2014 Construction Regulations
[54]	240-83290623	Bulk Mixing Plant Supervisor 20(1) – 2014 Construction Regulations
[55]	240-83818123	Explosive-actuated Fastening Devices Controller 21(2) – 2014 Construction Regulations
[56]	240-83290727	Construction Vehicle and Mobile Plant Operator 23(1) – 2014 Construction Regulations
[57]	240-83290665	Temporary Electrical Installations Inspector 24(d) – 2014 Construction Regulations
[59]	240-9133026	Appointment of a Substance Abuse Tester (32-37) (Non-statutory)
[60]	240-97789342	Application for a Permit to Do Construction Work (in terms of Regulation 3(2) of the Construction Regulations, 2014)
[61]	240-103645976	Appointment of Lifting Machinery Operator – DMR 18(11)
[62]	240-100979553	Inspector of Fall Arrest Systems – CR 10(2)(d)

### 3. Document Content

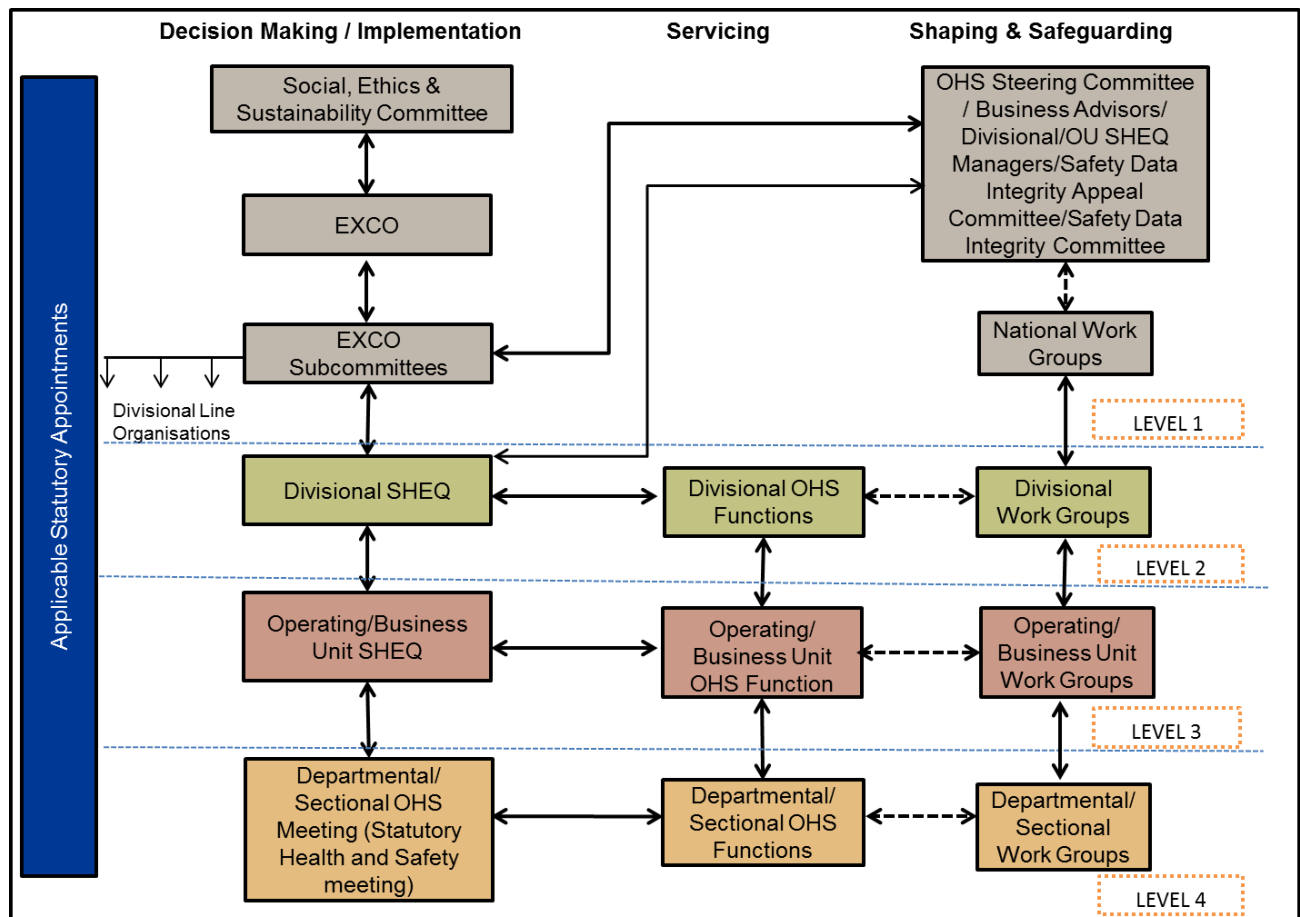
#### 3.1 OHS roles and responsibilities

The figure below illustrates the relationship between the occupational health and safety (OHS) governance structure; the associated OHS support roles and responsibilities, and the statutory appointments applicable across Eskom Holdings SOC Limited.

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**Figure 1: Executive Committees and statutory and non-statutory meetings**

### 3.1.1 Decision-making/implementation

The establishment of SHEQ Committees and ensuring direct connection from one SHEQ Committee to the next from the highest level of Eskom to the lowest level of the organisation is aimed at:

- ensuring that SHEQ matters are identified, understood, analysed, evaluated, and acted on;
- ensuring the implementation of decided solutions;
- monitoring progress; and
- enabling continuous improvement.

This organisational structure is highly effective if, as illustrated above, each lower-order SHEQ Committee is chaired by a member of the higher-order SHEQ Committee. This will ensure that information flows from the top of the organisation to the bottom and back without dilution and encourage involvement and analysis at all levels of the organisation, while supporting the principle that line management is responsible and accountable for ensuring that SHEQ matters are managed to acceptable levels.

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### 3.1.2 Roles and responsibilities for oversight decision-making and implementation in the organisation

Figure 2 illustrates the Level 1 occupational health and safety (OHS) governance structure and the interrelationships that exist at a national level.

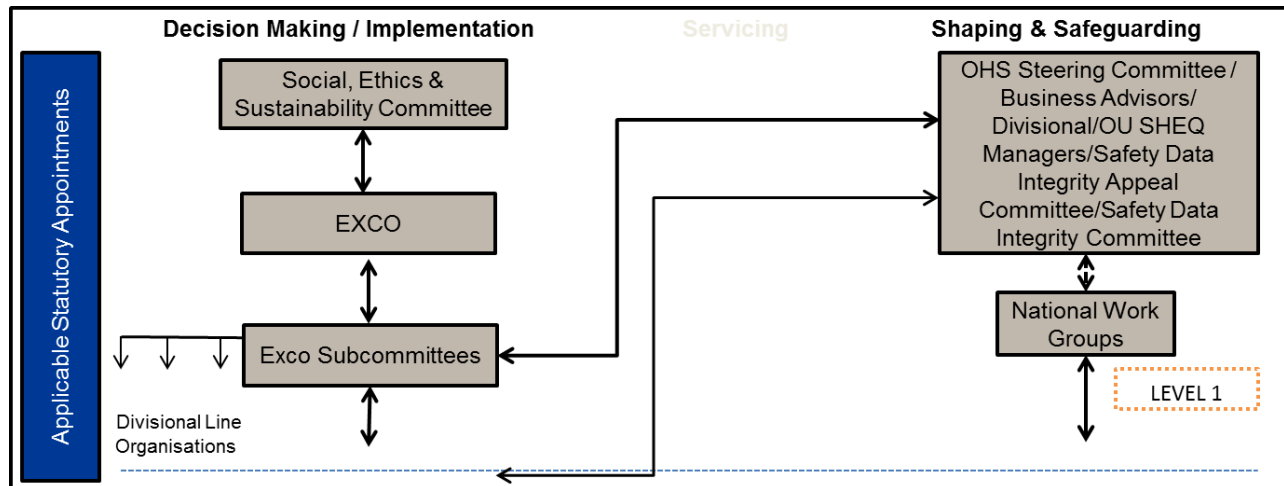


Figure 2: Level 1 – national

#### 3.1.2.1 Social, Ethics, and Sustainability Committee

This committee deals with integrated sustainability issues, makes recommendations, and monitors compliance with policies, strategies, and guidelines, particularly related to safety, health, environment, quality, and nuclear issues.

The committee also scrutinises nuclear safety at Eskom facilities to ensure that standards are aligned with all regulatory and internal requirements and remain consistent with international best practice.

#### 3.1.2.2 Exco

Effective SHEQ governance and oversight shall be performed by Eskom's executive leadership Exco.

Its function shall be to assist the Group Chief Executive in guiding and controlling the overall direction of the business, including matters of occupational health and safety.

##### 3.1.2.2.1 Leadership and composition of Exco

The Group Chief Executive, as the designated section 16(1) appointee in terms of the Occupational Health and Safety Act, shall chair Exco or delegate such responsibility.

Members of Exco (section 16(2) appointees in terms of the OHS Act) shall also chair their respective Division SHEQ Committees or delegate such responsibility.

##### 3.1.2.2.2 Exco terms of reference

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Exco is governed by documented terms of reference, which describe the mandate, membership, and frequency of meetings, including matters relating to occupational health and safety management.

### **3.1.2.3 Exco Subcommittees**

Effective occupational health and safety management and implementation shall be carried out by Eskom's executive leadership through the Exco Subcommittees.

#### **3.1.2.3.1 Exco Subcommittee terms of reference**

All Exco Subcommittees are governed by documented terms of reference, which shall describe the mandate, membership, and frequency of meetings, including standing agenda items relating to occupational health and safety management to be addressed at each meeting.

### **3.1.2.4 OHS Steering Committee**

The OHS Steering Committee functions as governance body, responsible for, and playing a significant role in, making recommendations to Risk & Sustainability Manco, Exco Subcommittees, and the organisation on occupational health and safety management matters, respectively. The committee, furthermore, coordinates and progressively manages the work scope of national work groups and ratifies and adopts solutions developed by these work groups.

#### **3.1.2.4.1 OHS Steering Committee terms of reference**

The OHS Steering Committee shall be governed by documented terms of reference, which shall describe the mandate, membership, and frequency of meetings, including standing agenda items to be addressed at each meeting.

### **3.1.2.5 National Work groups**

To assist the OHS Steering committee in making informed decisions as well as to effect implementation of decisions, various work groups comprised of OHS subject-matter experts and Divisional Representatives from across the business, shall be established at a National Level.

The aim of these workgroups is to co-ordinate and standardise OHS processes to ensure OHS compliance across the organisation. It is also where best practices, incidents, and lessons learnt are shared and documentation such as standards, procedures, guidelines, and work instructions are drawn up and current OHS documents reviewed for implementation across the organisation.

These National workgroups shall be governed by a Terms of Reference which outlines the mandate, roles and responsibilities as well as the proceedings of the respective workgroups.

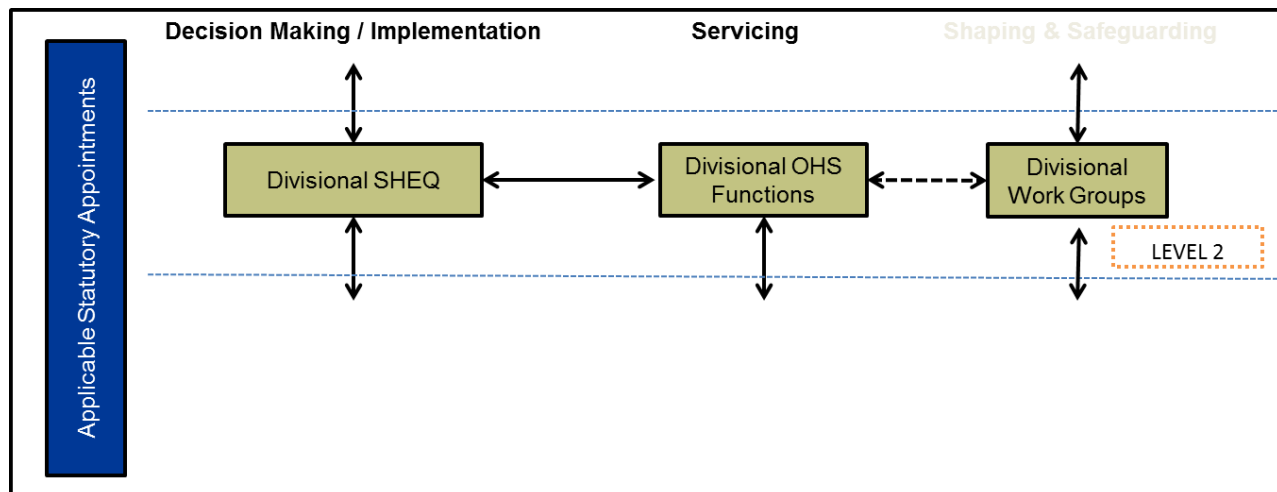
### **3.1.3 Divisional**

Figure 3 illustrates the Level 2 occupational health and safety (OHS) governance structure and the interrelationships that exist at a divisional level.

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**Figure 3: Level 2 – divisional**

### 3.1.3.1 Divisional/integrated divisional structures

Each line division shall create a divisional SHEQ Committee in support of its mandate in this regard. Non-line divisions may create a divisional SHEQ Committee or use their Exco to address SHEQ matters, where SHEQ is a standing agenda item.

Its function in terms of occupational health and safety shall be to:

- ensure divisional occupational health and safety compliance with Eskom SHEQ policy and occupational health and safety goals, objectives, standards, procedures, directives, and agreements;
- implement division-specific occupational health and safety improvements plans and programmes;
- provide divisional direction and oversight;
- promote divisional occupational health and safety performance improvement to “the exclusion of all other divisional imperatives”; and
- facilitate knowledge sharing on lessons learnt from incidents and good practices to ensure continuous improvement.

#### 3.1.3.1.1 Divisional SHEQ Committee terms of reference

The divisional SHEQ Committee shall be governed by documented terms of reference, which shall describe the mandate, membership, and frequency of meetings, including standing agenda items to be addressed at each meeting of the SHEQ Committee.

#### 3.1.3.2 Divisional work groups

The establishment of divisional work groups shall be at the discretion of the relevant division. These divisional work groups shall be governed by documented terms of reference.

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### 3.1.4 Operating/business unit

Figure 4 illustrates the Level 3 occupational health and safety (OHS) governance structure and the interrelationships that exist at an operating/business unit level.

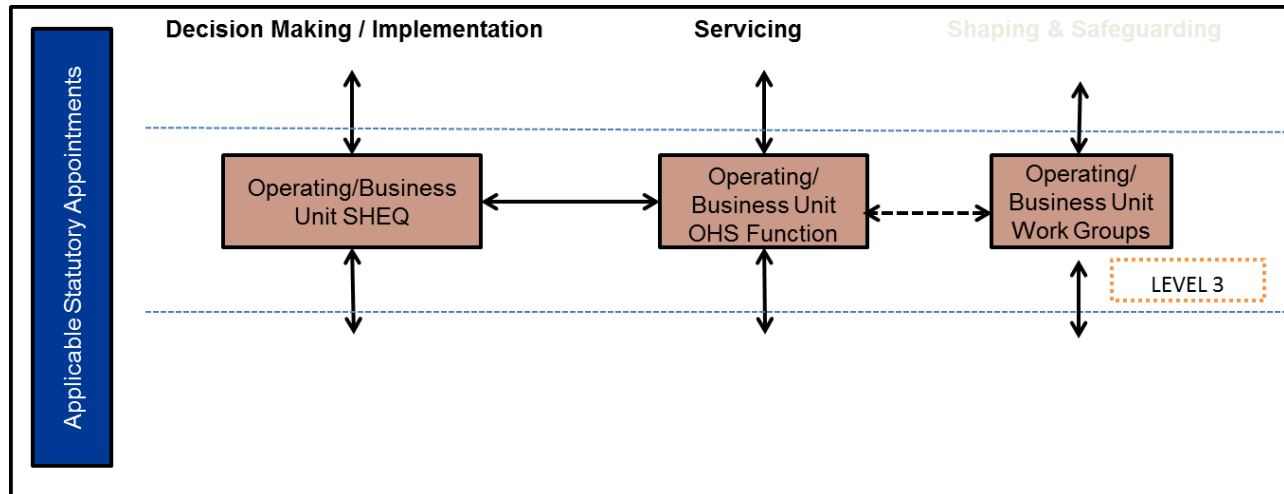


Figure 4: Level 3 – operating/business unit

#### 3.1.4.1 Operating/business unit SHEQ Committee

Each operating/business unit shall create an operating unit/business unit SHEQ Committee in support of its divisional SHEQ Committee. These committees have the same SHEQ purpose as Exco, except that they act in alignment with their divisional SHEQ Committee and are limited to operating/business unit SHEQ improvements.

##### 3.1.4.1.1 Operating/business unit SHEQ Committee terms of reference

The OU/BU SHEQ Committee shall be governed by documented terms of reference, which shall describe the mandate, membership, and frequency of meetings, including standing agenda items to be addressed at each meeting of the SHEQ Committee.

#### 3.1.4.2 Operating/Business Unit work groups

The establishment of operational/business work groups shall be at the discretion of the relevant division. These operational/business work groups shall be governed by documented terms of reference.

### 3.1.5 Departmental/sectional

Figure 5 illustrates the Level 4 occupational health and safety (OHS) governance structure and the interrelationships that exist at a departmental/sectional level.

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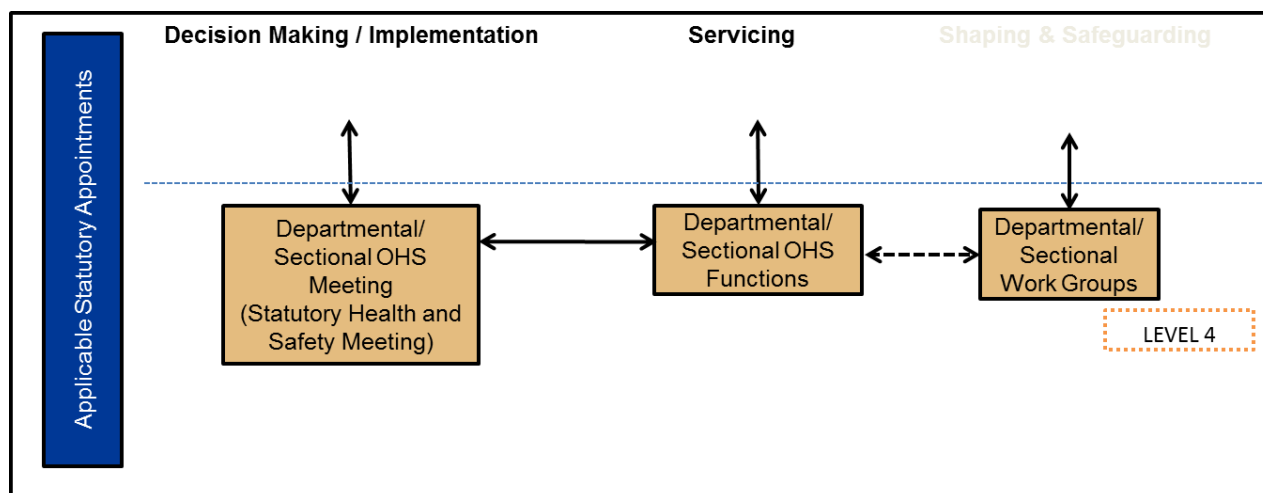


Figure 5: Level 4 – departmental/sectional

### 3.1.5.1 Statutory Health and Safety Committee meeting

Each workplace shall hold a statutory Health and Safety Committee meeting as prescribed by the OHS Act and the MHS Act, where applicable.

#### 3.1.5.1.1 Health and Safety Committee meeting terms of reference

The departmental/sectional committee shall be governed by documented terms of reference, which shall describe the mandate, membership, and frequency of meetings, including standing agenda items to be addressed at each meeting.

### 3.1.6 Risk & Sustainability OHS Business Advisors

An OHS Business Advisor is an individual from the Risk & Sustainability OHS Department who plays a shaping and safeguarding with limited servicing role to a support/service business unit in terms of a service-level agreement entered into between the OHS Business Advisor and business unit, which includes, but is not limited to, the following:

Focus area	OHS Business Advisor Role
	Expected service-level delivery areas
Mandate, strategy, and operational plans or procedures	Provide advice and support to division/business unit's senior management in the implementation and realisation of the OHS mandate, strategy, and operational plans or procedures promoting continual improvement to equip leaders in becoming committed, visible, and effective.
Incident management	Provide support to the division/business units, and ensure that serious incidents are reported and investigated in accordance with the requirements of the Incident Management Procedure.
Performance	Provide support to the division/business units, and ensure that

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management	OHS performance objectives and targets are integrated in the business planning process.
Alignment with corporate strategies and operational plans	Participate in the development of the Eskom Level 1 OHS strategies and/or operational plans, and ensure that the group/division unpacks and includes this in its divisional/business unit OHS operational plans to allow alignment with corporate strategy.
Advisory services	Provide specialist guidance and advice to senior management, line management, and OHS business representatives.
OHS Practitioner development	Provide specialist guidance and advice to ensure that group/divisional management and OHS practitioners have the necessary OHS competencies.
OHS campaigns, initiatives, and interventions	Inform the group and divisional OHS business representative of any new Eskom-wide OHS campaigns.
Interaction	<ul style="list-style-type: none"> <li>Attend group/divisional statutory and/or non-statutory Health and Safety Committees as per meeting schedule.</li> <li>Engage with senior and line management, as required.</li> <li>Frequently liaise or meet with respective group/divisional OHS business representative(s).</li> </ul>

### 3.1.7 Safety Professional

The role of the safety professional includes, but is not limited to, the following:

Focus area	Safety Professionals
	Expected service-level delivery areas
Mandate, strategy, and operational plans or procedures	Assist divisional, operating unit, and/or business unit senior management in the development and implementation of operational plans and procedures in alignment with strategic initiatives.
Incident management	Assist line management to ensure that incidents are reported, captured, investigated, and analysed and that appropriate corrective and preventive actions are taken and closed out and lessons shared.
Compliance	Assist line management in ensuring compliance with Eskom and legislative OHS requirements.

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Performance management	Assist line management in keeping track of OHS performance to ensure that OHS objectives and targets are met. Where targets are not met, escalate, investigate, and take the necessary corrective and preventive action.
Alignment with corporate strategies and action plans	Assist line management in the development of OHS operational plans in alignment with the OHS governance requirements, corporate strategies/plans, and initiatives.
Advisory services	Assist and support line management in providing advice and information on OHS matters that is reliable, accurate, complete, and timeous. Inform the OHS Business Advisor where information or services has/have been requested to ensure that the Business Advisor is kept informed of any significant developments.
OHS campaigns	Ensure facilitation, coordination, and implementation of campaigns, initiatives, and interventions as per the Eskom-approved OHS strategies.
OHS competence	Assist in ensuring that Eskom employees have the necessary competencies for a safe working environment.

### **3.1.8 Line management**

- Line management is responsible and accountable for executing the SHEQ policy and OHS Management System requirements.
- Implementation of Eskom and legislative OHS requirements shall be delivered through line management within their work structures via their employees, with the support and assistance of safety professionals as subject matter experts.
- Line management is responsible for ensuring that sufficient resources are appointed and trained, and this would be dependent on the nature, size, structure, and complexity of the operating/business unit and its activities.

### **3.1.9 Forums/work groups/committees**

A number of forums, work groups, care teams, and committees comprising subject matter experts exist throughout the organisation where better practices, incidents, and lessons learnt are shared and where documentation such as standards, procedures, guidelines, and work instructions are drawn up for implementation in the business. The aim of these forums is to coordinate and standardise processes across the organisation.

Some forums may also be established to facilitate stakeholder engagement.

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### **3.1.10 Occupational health and safety appointments**

The GCE has a mandate to ensure that those obligations conferred on an employer of a workplace are properly discharged. The most important of these obligations is to provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his/her employees, as stipulated in sections 8(1) and to conduct an undertaking in such a manner to ensure that other persons who may be directly affected by activities are not exposed to hazards to their health or safety in accordance with section 9 of the Occupational Health and Safety Act.

Section 16(1) of the OHS Act, places the Chief Executive Officer (CEO) of the business, by virtue of his/her position, as the overall accountable person, responsible for providing and maintaining a safe and healthy work environment that is without risk to employees and others. This means that an appointment letter is not necessary, as by virtue of the GCEO being appointed as the GCEO, they are automatically held accountable and responsible as per Section 16(1) of the OHS Act.

Without derogating from this responsibility and accountability, the CEO may however assign health and safety related responsibilities to the management of the business or organisation.

In terms of the above, the persons assigned with these duties in terms of Section 16(2) of the OHS Act by the GCEO are responsible for the management of occupational health and safety matters within their designated areas of responsibility. Accountability remains with the GCEO.

If and when a new GCEO is appointed, the assignments in terms of 16(2) under the previous GCEO are no longer valid. To this end, such assigned duties need to be redrafted under the new GCEO.

To effectively carry out duties of the OHS Act, Eskom has taken the stance that the GCEO shall assign his/her duties of the OHS Act to his/her direct reports (Chief Operating Officer and non-line divisional direct reports), direct reports of the Chief Operating Officer and operational OU/BU managers reporting directly to a Group Executive in the Line divisions. All these assignments shall be done by the GCEO.

Risk & Sustainability OHS shall be responsible for drafting, co-ordination and management of the section 16(2) assignment letters for all the GCEO's direct reports, i.e. the Chief Operating Officer and non-line divisional direct reports as well as for the direct reports of the Chief Operating Officer.

The Line Divisions shall be responsible for the drafting, co-ordination and management of the section 16(2) assignment letters for the Group Executives direct reports for the respective OU/BUs/Grids.

All section 16(2) assignment letters shall be published on a centralised database managed by Risk & Sustainability OHS.

The GCE will appoint, in writing, his/her direct reports and other individuals identified, as may be required by the Chief Inspector.

To assist in ensuring that the requirements of the OHS Act are met and a safe work environment is created, the section 16(2) may assign his/her direct reports as Responsible Managers. Those Responsible Managers may further assign their direct reports to be Responsible Managers to ensure that the requirements of the OHS Act are carried out. The appointment and authorisation of all Responsible Managers shall be made by the appointed manager (his/her supervisor) one level above. With each further assignment, the Responsible Manager's scope of authority as contained in his/her letter of appointment shall be very specific in terms of his/her statutory duties and functions and area of responsibility.

In making such appointments, it is imperative that:

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- the appointee understands his or her responsibilities in terms of the legal requirements applicable to the specific appointment;
- the appointee understands his or her legal liabilities in terms of the OHS Act, common law, and the Mine Health and Safety Act, where applicable; and
- all appointees are fully conversant with the SHEQ management structure. This will ensure that appointees know who is responsible for what duties with regard to occupational health and safety.

Responsible Manager assignments shall be drafted, co-ordinated and managed by the respective Division/Operating/Business Unit/Grid and stored on the divisional databases.

#### **3.1.10.1 Delegation of authority while in an acting capacity**

To ensure the seamless execution of health and safety duties in an acting capacity, the section 16(2) appointee and the OU/BU Responsible Manager shall ensure a positive transfer of health and safety information to the applicable acting manager.

As part of the delegation of authority during the period in which a person acts on behalf of another, this delegation shall be done with a formal briefing on the duties and responsibilities in terms of the OHS Act, including the current risk profile of the area of responsibility. It is also required, in handing back responsibilities to the manager, that the acting manager gives feedback on the latest risk profile, as it may have changed during the manager's absence.

These delegations shall be with "full authority" and shall be done in writing and acknowledged, in writing, by the acting manager.

#### **3.1.10.2 Implementation and maintenance of OHS appointments**

The GCEO and his/her assigned subordinates in terms of section 16(2) of the OHS Act shall be responsible for implementation and maintenance of the appointment process in terms of the legislation and in terms of the requirements of this standard.

Operating/business unit/grid managers, as assigned section 16(2) shall ensure that OHS requirements are implemented and maintained and that supervisors or any other employee having specific OHS duties receive training regarding statutory requirements and their conformance with those requirements.

To ensure compliance with the OHS Act in terms of legal appointments, in special circumstances, where it is not reasonably practical for the section 16(2) assigned person to sign and manage all legal appointments, a manager at a M17 level who has effective oversight and authority over these appointments and where such appointments are reasonable manageable in terms of numbers, may be assigned for that purpose only. Such assignment shall be done by the GCEO.

To this end, due to the geographical challenges in the Distribution, Transmission, Group Capital and Eskom Rotek Industries (ERI) environment, where it is not reasonably practical for the General Manager of the Operating Unit, the Senior Manager of the Grid/Business Unit or General Manager of a Product Group, as the Section 16(2) assignee, to sign all OHS legal appointments, a manager (whose task grade is not lower than an M17, or in the case of Eskom Rotek Industries whose task grade is not lower than a M16) may be assigned for that purpose only. Such assignment shall be done by the GCEO.

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With respect to Generation, OHS legal appointments shall be signed by the General Manager of the power station, as the assigned section 16(2).

Non-line (Support and Service) divisions/business units that are direct reports to GCEO or the Chief Operating Officer shall sign the OHS legal appointments, as the assigned section 16(2).

The assignment to sign OHS legal appointments shall be a specific section 16(2) assignment that is signed off by the GCEO. Such assignment shall be drafted, coordinated and managed by the Division/Operating/Business Unit/Grid.

These OHS Legal appointment assignment letters shall be published on a central database managed by Risk & Sustainability OHS.

### **3.1.10.3 Approved Inspection Authorities (AIA)**

It is deemed unreasonable to expect the persons representing Eskom as an employer or safety professionals and/or representatives to be specialists in occupational hygiene monitoring, pressure equipment, and major hazardous installations, and therefore, provision is made for Approved Inspection Authorities to assist the employer in complying with certain requirements of the OHS Act and Mine Health and Safety Act, where applicable.

It is the function of the AIA, with the aid of specialised knowledge or equipment or after such investigations, tests, sampling, or analyses as he/she may consider necessary, and whether for reward or otherwise, to render a service by making special findings, purporting to be objective findings, as to:

- the health of any person;
- the safety or risk to health of any work, article, substance, plant, or machinery, or any condition prevalent on or in any premises; or
- the question of whether any particular standard has been or is being complied with, with respect to any work, article, substance, plant, or machinery, or with respect to work or a condition prevalent on or in any premises, or with respect to any other matter, and by issuing a certificate, stating such findings, to the person to whom the service is rendered.

#### **3.1.10.3.1 AIA for Occupational Hygiene (OH)**

The AIA for occupational hygiene must be independent and responsible for all the regulated activities as approved by the Department of Employment and Labour and the Department of Minerals and Resources, where applicable.

The Approved Inspection Authority will remain accountable for the entire process of monitoring, that is, from the planning stage to the reporting on it.

***The OH AIA for Eskom as endorsed by the Department of Employment and Labour is located at Risk & Sustainability OHS.***

### **3.1.11 Exemption in terms of applicable OHS legislation**

This standard acknowledges and takes cognisance of existing legal requirements pertaining to the application for, and granting of, exemptions from legal obligation, in particular the provisions of the Occupational Health and Safety Act, Act No. 85 of 1993 and its Regulations and the Mine Health and Safety Amendment Act, Act No. 74 of 2008 and Regulations.

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Risk & Sustainability OHS will coordinate all exemptions with the relevant authorities.

The process to be followed if any OU/BU requires an exemption is as follows:

a) Process and documentation for arriving at a decision to apply for an exemption

The OU/BU requiring/requesting an exemption will consider and document all the pros and cons of the reason(s) necessitating an exemption, and the following will be detailed in writing:

(Note: use the Application for Exemption in Terms of Applicable OHS Legislation Template – 240-68409461.)

- All circumstances considered
- A determination made of why such circumstance is a “challenge”
- Evidence of why the “challenge” cannot be overcome through compliance
- Outlining of concrete steps to minimise non-compliance, that is, concrete steps taken to mitigate the “compliance challenge”
- A determination of a foreseeable period during which “complete compliance” will endure as a “challenge” and reason(s) for it
- A detailed exemption implementation procedure, including monitoring and evaluation of performance. This procedure will be flexible enough to accommodate any steps that may be recommended by the relevant OU/BU Risk Management Section, Risk & Sustainability OHS Department, and Eskom Legal Department, as well as the regulator in the event of the exemption application being feasible.
  - The concurrence and permission of the OU/BU Responsible Manager for the exemption to be applied for must reflect his/her:
    - accepting responsibility for exemption to be applied for; and
    - commitment to ensuring complete compliance achievement within the shortest stipulated period.
- The OU/BU requiring/requesting an exemption to be applied for will retain a copy of all information/documentation it has prepared to support its request.

b) Notification to the Risk & Sustainability OHS Senior Manager.

The operating unit/business unit requiring an exemption will lodge all supporting documentation outlined in paragraph (a) above with the Risk & Sustainability OHS Senior Manager.

- Risk & Sustainability OHS, will, after receiving the documented request for an exemption from an OU/BU above, evaluate the exemption application information lodged and engage the said OU/BU representative/SHEQ Management Section at the OU/BU on any matter incidental to the intended application by:
  - calling for any additional information that may be pertinent to the intended application;
  - closely examining why compliance with the legislation cannot be achieved;
  - determining what conditions must prevail for the situation requiring exemption to be optimally managed;

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- establishing role clarification between itself and the OU/BU representative/SHEQ Management Section at the OU/BU regarding monitoring of any conditions attached to the granted exemption; and
  - in conjunction with the OU/BU representative, consult the Legal Department in respect of the legal feasibility of the requisition to apply for an exemption. The Legal Department will provide its pronouncement on such a matter to Risk & Sustainability OHS Department.
- c) After receiving the pronouncement from the Legal Department, the Risk & Sustainability OHS Department will assist with submission of the request for exemption to the relevant regulator/government department.
- d) The Risk & Sustainability OHS Department will place the matter on the agenda of the next OHS Steering Committee meeting, where the OU/BU representative will apprise the committee of the approved exemption.
- e) Risk & Sustainability OHS Department will be the custodian of any granted exemption(s) with regard to:
- the keeping of records of granted and current exemptions;
  - the support for, and monitoring of, compliance with exemption conditions;
  - any regular feedback required by the regulator; and
  - the closing-off (signing-off) of the predetermined exemption “window period” before or on its expiry once compliance has been achieved.

#### 4. Acceptance

This document has been seen and accepted by:

Name	Designation
Kerseri Pather	General Manager – Risk & Sustainability
Miranda Moahlodi	Senior Manager – Risk & Sustainability OHS
Jace Naidoo	Senior Manager – Risk & Sustainability OHS
Members of Risk & Sustainability s Manco	Members of Risk & Sustainability Manco
SHEQ managers	Across the organisation
OHS Steercom members	Members of OHS Steercom
Safety professionals	Across the organisation

#### 5. Revisions

Date	Rev.	Compiler	Remarks
May 2021	3	S Govender	Document reviewed to align with organisational requirements.

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Date	Rev.	Compiler	Remarks
April 2016	2	S Govender	Document reviewed to align with organisational requirements and legislation updates.
April 2013	1	S Govender	Document supersedes 32-296 (1) to align with organisational changes.

## **6. Development Team**

The following people were involved in the review of this document:

- Fundisa Dangazele
- Joyce Leshiba
- Kgosi Modiole
- Mara de Kock
- Miranda Moahlodi
- Mike Townsend
- Mathula Thulare
- Nolitha Mokoena
- Peter May
- Sheryl Isaacs
- Sivi Govender
- Sivuyisiwe Mqanto

## **7. Acknowledgements**

Not Applicable

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## **Appendix A**

### **A.1 Mine Health and Safety Act appointments**

<b>DESCRIPTION</b>	<b>REFERENCE TO LEGISLATION</b>
1. Appointment Letter for Assistant to the Chief Executive Officer	Section 2A(2)
2. Employer's Representative – Appointment	Section 4(1)
3. Employer's Representative – Appointment	Sections 2A(3), 4(1), and 7(2)
4. Mine/Plant Manager	Section 3(1)
5. Mine/Plant Manager (Acting) – Appointment	Section 3(1)
6. Subordinate Manager	Regulation 2.6.1 and section 7(4)
7. Acting Subordinate Manager – Appointment	Regulation 2.6.1 and section 7(4)
8. Manager's Representative – Appointment	Section 7(4)
9. Resident Engineer	Regulation 2.13.1
10. Resident Engineer	Regulation 2.13.2
11. Acting Resident Engineer	Regulation 2.13.2
12. Subordinate Engineer – Appointment	Regulation 2.13.3.2
13. Acting Subordinate Engineer – Appointment	Regulation 2.13.3.2
14. Subordinate Engineer – Appointment	Regulation 2.13.3.1
15. Acting Subordinate Engineer – Appointment	Regulation 2.13.3.1
16. Shift Boss	Regulation 2.15.1
17. Acting Shift Boss – Appointment	Regulation 2.15.1
18. Chief Safety Officer – Appointment	Regulation 2.17.4
19. Acting Chief Safety Officer – Appointment	Regulation 2.17.4
20. Safety Officer – Appointment	Regulation 2.17.1

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21. Acting Safety Officer – Appointment	Regulation 2.17.6
22. Mine Surveyor/Competent Person	Regulation 17.2
23. Acting Mine Surveyor/Competent Person – Appointment	Regulation 17.2
24. Competent Person/Fire Precaution Controller	Regulation 5.1(1)
25. Acting Competent Person/Fire Precaution Controller – Appointment	Regulations 5.1(1)
26. Competent Person for Rescue Procedures	Regulation 16.1(1)
27. Search for Explosives	Regulation 9.5.2
28. Locomotive Driver – Appointment	
29. Self-propelled Mobile Machine Driver – Authorisation	
30. Self-propelled Mobile Machine Driver Tester – Appointment	
31. Acting Self-propelled Mobile Machine Driver Tester – Appointment	
32. Competent Person Electrical Installations	Regulation 21.15(b)
33. Acting Competent Person Electrical Installations – Appointment	Regulation 21.15(b)
34. Health and Safety Representative	
35. Full-time Health and Safety Representative – Appointment	Section 29(4)
36. Acting Full-time Health and Safety Representative – Appointment	Section 29(4)
37. Health and Safety Representative – Appointment	Section 29(4)
38. Alternative Health and Safety Representative – Appointment	Section 29(4)
39. Health and Safety Committee Member – Appointment	Section 34

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40. Occupational Hygienist – Appointment	Section 12(1)
41. Occupational Medical Practitioner – Appointment	Section 13(3)(a)
42. Occupational Health Practitioner	
43. Assignee	2.9.2
44. Specific Compliance Coordinator – Appointment	2.9.2
45. Acting Specific Compliance Coordinator – Appointment	2.9.2
46. General Compliance Coordinator – Appointment	2.9.2
47. Acting General Compliance Coordinator – Appointment	2.9.2
48. Lifting Equipment and Lifting Tackle – Authorisation	8.5(5)
49. Magazine Master	Regulation 9.11.1
50. Acting Magazine Master – Appointment	Regulation 9.11.1
51. Transport of Explosives	Regulation 9.15
52. Authorisation to Transport Explosives	Regulation 9.15.4
53. Authorisation to Transport Explosives (Acting)	Regulation 9.15.4
54. Radiation Protection Officer	Hazardous Substances Act No. 15 of 1973
55. Acting Radiation Protection Officer – Appointment	
56. Appointment of the Temporary Electrical Installation Inspector	Construction Regulation 22(d)

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