ANNEXURE 1

Eskom	Procedure	

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Contents

1 Introduction

This procedure provides a framework for better practice and continual improvement in the well-being of construction workers and for the elimination of injuries and fatalities through Eskom's engagement in

construction as a client/agent and/or contractor. The objective of this procedure is to ensure a common and shared understanding and the consistent implementation of these requirements for construction work.

This document should be read in conjunction with the divisional documents and with the Occupational Health and Safety Act (OHSA), No 85 of 1993, and its Regulations; the Mine Health and Safety Act (MHSA), No 29 of 1996, where applicable; and section 28 of the National Environmental Management Act (NEMA), No 107 of 1998, which deals with the duty of care in respect of the environment and the remediation of environmental damage.

In terms of Eskom's Health and Safety and Environmental Policies, Eskom will approach occupational safety, health, and environmental issues as a responsible corporate citizen, respecting legislative requirements and the views of stakeholders, communities, and staff. Eskom will strive to minimise negative impacts and to ensure safe and healthy practice. The Chief Executive and management, as delegated, are accountable for the safety, health, and environment (SHE) issues in the organisation. All employees must be aware of their SHE roles and responsibilities with respect to themselves, their colleagues, members of the public, and the environment.

2 Requirements and responsibilities

Eskom, as the employer in terms of section 8 of the OHSA, has the overall accountability and responsibility for the health and safety of all persons involved in construction work pertaining to Eskom. This is managed by means of various agreements, which are part of the interpretation of this procedure, as required in terms of section 37.2 of the OHSA. In this capacity, Eskom must ensure that all employees have their OHSA, MHSA, and NEMA duties explained to them.

2.1 Client (Eskom)

The client may appoint an agent on a site-specific and project-specific basis to act on its behalf in terms of the duties and responsibilities imposed on the client in terms of legislation and this procedure. Such appointment must be properly documented.

The client must ensure that the agent it appoints has the necessary competence and resources to perform the required duties and, when appointed, will accept the responsibilities imposed on the client by the Construction Regulations and, where applicable, by this procedure. (Refer to Annexure 1.)

2.1.1 The client must:

a) As far as is reasonable and practicable, develop a project plan that includes reference to all SHE issues.

b) Ensure that designers are made aware of their roles and responsibilities.

c) Where applicable, provide to the designer:

- Eskom-specific SHE criteria to be applied to the designs;
- the relevant environmental impact assessment report; and
- The relevant geoscience technical report.

d) Ensure that the project team conduct a baseline site and project-specific risk assessment in relation to all relevant hazards.

e) Prepare and provide the SHE specifications, which must be based on the baseline site risk assessment, project-specific risk assessment, and scope of work, identifying the existing and potentially significant residual hazards that a competent and resourced contractor would not have been expected to know. The SHE specifications must include:

- any relevant SHE information about the specific construction work to be performed; and

- All the applicable and relevant information contained in the Eskom documents pertaining to the project and scope of work. (Extracts or the entire Eskom document must be included in the SHE specification. Refer to Annexure 3 for additional minimum requirements for SHE specifications.)

f) Ensure that the principal contractors submitting tenders have made provision for the cost of SHE measures for the construction work.

g) Ensure, if a principal contractor intends to use a subcontractor or subcontractors to perform work on the construction project, that this arrangement is indicated by the principal contractor during the tendering stage or at the commencement of work. The principal contractor must indicate who his/her subcontractors are and provide evidence that the subcontractor(s) have the necessary competence and resources to carry out the work safely and to ensure that the duty of care to the environment will be discharged.

h) Ensure that the principal contractor is registered and in good standing with the Compensation Commissioner or with a licensed compensation insurer prior to and for the duration of the contracted work.

i) Ensure that tendering principal contractors provide a detailed SHE plan based on the SHE specifications provided as well as any other SHE considerations arising from the principal contractors' construction activities.

j) In cases where internal Eskom departments perform construction work within Eskom, they will be regarded as internal service providers. There must be a formalised documented agreement between the two parties – the client and the internal service provider must be identified and their roles and responsibilities, as outlined in this procedure, must be stated clearly in the formalised agreement.

k) After the selection and appointment of the principal contractor/internal service provider have been concluded, the client and the principal contractor/internal service provider must complete and sign the "Notification of Construction Work". The principal contractor/internal service provider must submit this notification to the Provincial Director prior to the commencement of work and retain evidence of such notification.

l) Audit the work that is being executed against the approved SHE plan at intervals mutually agreed upon, but not less than once a month.

m) All project managers involved in construction work must be registered with the South African Council for the Project and Construction Management Professions (SACPCMP) in terms of the Project and Construction Management Professions Act, No 48 of 2000.

n) Ensure that all Eskom employees involved in construction work receive required training as determined by a training needs analysis.

o) Not appoint a principal contractor to perform construction work unless the client is reasonably satisfied that the principal contractor the client intends to appoint has the necessary competence and resources to carry out the work in a safe and healthy manner and to ensure that the duty of care to the environment is discharged. (Refer to Annexure 2.)

p) In order to fulfil its responsibility to support both government and Eskom initiatives, provide guidance to emerging contractors.

q) Appoint each principal contractor in writing.

r) Where a subcontractor or subcontractors are appointed by the principal contractor, ensure that the principal contractor supplies the applicable Eskom SHE specifications to the subcontractor(s).

s) Stop the principal contractor or subcontractor(s) from continuing with work if such work is not in accordance with the SHE plan or Eskom requirements. Any Eskom employee or contractor may stop an activity that poses a threat to the health and safety of a person or persons or a risk of degradation of the environment. Any person may report to the client any unsafe or unhealthy practice(s) or condition(s) that pose a threat to the environment. The client must issue non-conformance reports setting out the circumstances giving rise to the stoppage, the actions taken, and any corrective measures required.

t) When there are changes in the scope of work and/or in the work environment (for example, amendments to Eskom rules and/or legislative amendments), review (and revise, if necessary) the

affected sections of the SHE specification and baseline site and project-specific risk assessment and provide any such revisions to the principal contractor. The principal contractor must subsequently review (and revise, if necessary) the SHE plan and the activity-based risk assessments. The client must then ensure that the provisions in the SHE plan, or the revised SHE plan, are adequate and, provided these are adequate, approve and sign off the plan prior to recommencing the work affected by the changed scope.

u) Ensure that the principal contractors are informed of their responsibility to audit their subcontractors on their compliance with the approved SHE plan as per the requirements of the SHE file. Audits must be done at intervals mutually agreed upon, but not less than once a month.

v) Ensure that no visitor enters a construction site without having first received a risk-based induction and, if applicable, thereafter having received the relevant risk-based PPE, where reasonably practicable.

w) Ensure, prior to the commencement of construction work, that all persons involved in any construction work have received the client's project-specific induction training.

x) Ensure that the principal contractor is made aware of the requirement that he/she hand over the SHE file to the client on completion of the construction work. The SHE file must contain all the requirements as per Annexure 4.

y) Ensure that all contractors are informed of the need for their subcontractors and casual labour to receive the client's SHE induction training.

z) Keep documented records of all training provided by Eskom.

Training

a) The client must ensure that all principal contractors that are awarded construction projects, as well as their employees, have participated in a generic SHE induction training programme.

b) The client must ensure that site-specific induction training is completed prior to the commencement of any construction work.

c) Induction training must be provided in English or, where necessary, translated into other language(s) to ensure that it is understood by all the persons concerned.

d) All persons on site must be in possession of proof of completion of induction training (for example, a safety passport that identifies the holder as having undertaken basic health and safety awareness training and allows the holder access to "passport-controlled" workplaces).

e) The client must by way of the commercial process as well as auditing, ensure that the principal contractor's employees and subcontractors receive task-specific training (for example, ORHVS, Plant Safety Regulations, Confined Space Training, and other technical training required).

f) The client must ensure that all Eskom staff involved in the tender and adjudication process have undergone prior training on the Construction Regulations and their roles and responsibilities in terms of this procedure. This training must be included in the respective departmental training needs assessments, and it must be aligned with their respective divisional requirements.

Risk assessment

During the risk assessment, the following has to be recorded:

a) Risk assessed/reason for risk assessment

b) Date of risk assessment

c) Persons involved in risk assessment (to be recorded in an attendance register)

Risk assessment process

a) List all the hazards associated with the area, activity, and project.

b) Decide who might be harmed and how.

c) Evaluate the risk, and decide on precautions.

d) Record the findings, and implement appropriate control measures.

e) Review the risk assessment and update if necessary.

2.2 Designers

The designer must:

a) Demonstrate how the Eskom-specified generic SHE criteria have been integrated into the design.

b) Provide any information to the client about the design that the principal contractor requires for the pricing of the construction work, which will also include SHE information.

c) Inform the principal contractor via the client, in writing, of any:

- known or anticipated dangers or hazards relating to the construction work;
- structural load limitations; and
- Methods for, and the sequence of, the construction process; and where applicable include a geoscience technical report.

d) Take into account the hazards relating to any subsequent maintenance of any structure, and provide in the design for that work to be performed in a manner that eliminates or minimises the risk.

e) Where practicable, carry out regular inspections in order to ensure compliance with the design specifications.

f) Ensure that all inspection records, as well as all drawings pertaining to the design, are kept and are available on site at all times for inspection and audit purposes and inclusion in the SHE file to be handed over to the client by the principal contractor upon completion of the project.

g) Stop any construction work that is not in accordance with the design specifications.

h) Conduct a final inspection after the completion of the construction work, prior to commissioning, in order to ensure proper handover in terms of SHE requirements.

i) Issue a completion certificate to the principal contractor once satisfied that the structure/commissioning of a network has been completed, is safe for use, and poses no threat to the health of the end-users and the public.

j) Ensure that, during the design and concept phase, all ergonomic design principles are considered in order to minimise ergonomic hazards during all phases of the project.

k) Not include anything that necessitates the use of dangerous procedures, processes, or materials that may be hazardous to the health and safety of persons and the environment; this must be avoided by modifying the design or substituting other materials.

2.3 Procurement process

A multidisciplinary team of competent persons, comprising technical, SHE, commercial, financial, vendor management, and quality assurance members, must participate in the procurement process throughout.

2.3.1 Prequalification of principal contractors

Where specified by Eskom, contractors wishing to obtain vendor status for construction work must be prequalified against relevant SHE management criteria for their companies.

The procurement practitioner must ensure that the procurement process is adhered to in terms of the following:

2.3.2 Pre-tender

A multidisciplinary team of competent persons, comprising technical, construction project management, SHE, commercial, financial, vendor management, and quality assurance members (at a cross-functional meeting), must determine the relevant information to be included with the tender enquiry documents.

a) The client must prequalify all contractors in terms of their SHE competence. Each contractor's competencies and resources must be assessed in a manner appropriate to the division concerned. An accreditation application document must be completed by all contractors. On submission, the application must be reviewed against the Eskom SHE criteria. (Refer to Annexure 2.)

b) The Procurement/Commercial Manager must ensure that the following are issued with the enquiry documents:

- A clearly defined scope of the construction work to be performed
- SHE specifications (refer to Annexure 1) incorporating the hazard identification and baseline site and project-specific risk assessments

c) No enquiry document must be issued unless it meets the requirements listed in 2.3.2.

d) It must be ensured that the SHE plan, including the activity-based risk assessments, is submitted as one of the tender returnables.

e) At the enquiry clarification meeting, the client/agent must ensure that all the requirements in the SHE specification are explained to the potential tenderers. It is advisable that this meetingbe held on the proposed construction site. Minutes must be taken of this meeting and kept.

2.3.3 Post-tender

Tender evaluation

a) The SHE plan must be evaluated against the SHE specifications that were issued with the enquiry documents. The tender adjudicators must verify that the cost of SHE has been incorporated in the tender application.

b) During the tender clarification meeting, any queries regarding the tendering contractor's SHE plan must be resolved with the applicable tenderer.

2.3.4 Pre-contract

Contract negotiations, where applicable, and the signing of the contract:

a) The content of the SHE plan must be negotiated, agreed, and signed off by the client/agent and principal contractor.

b) After the selection and appointment of the principal contractor have been concluded, the client and the principal contractor must complete and sign the "Notification of Construction Work". The principal contractor must submit this notification to the Provincial Director prior to the commencement of work and retain evidence of such notification.

c) It must be ensured that any contract involving construction work complies with the requirements of this procedure and is aligned with the South African construction SHE legislative framework and any other applicable legislation.

2.4 Principal contractors

2.4.1 The designer must inform the principal contractor, via the client or, if applicable, the appointed agent, in writing, of any known or anticipated dangers or hazards relating to the construction work.

2.4.2 The client and the principal contractor must be identified and their roles and responsibilities, as outlined in this procedure, must be stated clearly in the formalised agreement in relation to the specific project involving construction work.

2.4.3 Where internal Eskom business units conduct their own construction work, that is, during maintenance, there must be a SHE plan that either refers to existing procedures, including safe work procedures relating to that task or if not available, a site and task specific SHE plan must be developed prior to the commencement of any construction work. Activity-based risk assessments must be conducted within the area where work will be performed prior to the commencement of the work. The SHE plan must address the risks that had been identified in the risk assessment and must be approved and signed off by the client.

2.4.4 The principal contractor must forward this notification to the Provincial Director prior to the commencement of work and retain evidence of such notification.

2.4.5 Where multiple contractors perform construction work on the same site, the client or, if applicable, the appointed agent must forward this notification to the Provincial Director prior to the commencement of work.

2.4.6 The principal contractor must indicate who its subcontractors are (including casual workers and labour-broker employees) and ensure that they have the necessary competence and resources to carry out the work safely and to ensure a duty of care towards the environment.

2.4.7 The principal contractor must supply his/her client's SHE specifications to the subcontractor(s).

2.4.8 The principal contractor must provide the client with a suitable and sufficiently documented SHE plan as per the client's SHE specification. (See minimum checklist as per Annexure 3.)

2.4.9 The principal contractor must ensure that a copy of the approved SHE plan is available on site at all times.

2.4.10 The SHE plan must contain the following items:

- Listed information as per the issued SHE specification
- The hazard identification and activity-based risk assessment
- Any SHE standards and procedures, including written safe work procedures as indicated in the plan
- All required mandatory appointments as per legislation
- Résumés containing SHE experience and training of each appointment

2.4.11 The principal contractor must take reasonable steps to ensure cooperation between all subcontractors.

2.4.12 The principal contractor must stop the subcontractors if construction work is not in accordance with the SHE plan or if such work poses a threat to the health and safety of persons or a risk of degradation to the environment. Any person can report unsafe or unhealthy practices or practices that pose a threat to the environment to the principal contractor or the client. A record must be kept of the stoppage, the actions taken, and any corrective measures that were implemented.

2.4.13 The principal contractor must ensure that, when there are changes in any phase of the construction project, it reviews and, if necessary, amends the relevant sections of the SHE

plan and the activity-based risk assessments in response to the client's revised SHE specification to ensure that the work is performed in a safe and environmentally friendly manner.

2.4.14 The principal contractor must ensure, prior to the commencement of work on site, that every subcontractor is registered and in good standing with the compensation fund or with a licensed compensation insurer. This should remain valid for the duration of the contract.

2.4.15 The principal contractor must ensure that potential subcontractors submitting tenders have made detailed provision for the cost of health and safety measures during the construction process.

2.4.16 The principal contractor must ensure, prior to the commencement of construction work, that all persons involved in the construction work as well as the subcontractors have received the client's SHE induction.

2.4.17 The principal contractor must ensure, prior to the commencement of construction work, that all persons involved in the construction work as well as the subcontractors have received task-specific training.

2.4.18 The principal contractors must ensure that a competent person informs, instructs, and trains all employees under their control on any hazard and related work procedures before any work commences and, thereafter, at such times as may be determined by a risk assessment.

2.4.19 A training needs analysis must be drafted as per a documented training plan. Ensure that the training is recorded and available during any inspection, audit, or investigation.

2.4.20 The principal contractor(s) must ensure that they have a SHE file, which must contain all (but is not limited to) documentation listed in Annexure 4.

2.4.21 The SHE file must be kept on site and made available upon request.

2.4.22 The principal contractor must hand over a consolidated SHE file to the client on completion of the construction work. The principal contractor must also hand over all drawings, designs, lists of materials used, and other applicable information about the completed structure, as well as the list of subcontractors, the agreement, and the type of work completed.

2.4.23 The principal contractor must appoint, in writing, a full-time competent construction supervisor with SHE competence to supervise the construction work. Depending on the size of the project or the degree of danger, it may be necessary to appoint a construction safety officer.

2.4.24 The principal contractor must ensure that consultants undertaking work in the "listed fields of practice" of the Natural Scientific Professions Act, No 27 of 2003, are registered "professional natural scientists".

2.4.25 Before the commencement of any construction, principal contractors must appoint, in writing, a competent person to conduct activity-based risk assessments and compile a mitigation plan. All employees must be informed about the risk assessments and the plan.

2.4.26 The principal contractor(s) must issue risk-based personal protective equipment (PPE) as a measure of last resort to their employees after mitigating the risk as far as is reasonably practicable. Recipients of PPE must be trained in the proper use and care and, where necessary, the maintenance of PPE.

2.4.27 Should the principal contractor or his/her subcontractors invite visitors to the site, they must be held accountable for the provision of PPE to their visitors.

2.4.28 The appointed construction supervisor must not supervise construction work on any site other than the site for which such supervisor has been appointed. If a sufficient number of competent employee(s) have been appointed to assist the construction supervisor, then the construction supervisor may supervise more than one site.

2.4.29 The principal contractors must ensure that an occupational health practitioner screens their employees to ensure that their employees are fit to perform the work. The principal contractor

must prove to the client that his/her employees and subcontractors are on a medical surveillance programme, including entry and exit medical examinations, for the duration of the contract.

2.4.30 Throughout the project, the principal contractor must ensure, prior to the commencement of planned work, that the following points are addressed in his/her pre-job briefing meetings, including but not limited to:

- toolbox talks based on the SHE issues pertaining to the construction site;
- activity-based risk assessments;
- procedures, including written safe work procedures pertaining to the work activity;
- control measures pertaining to the work activity; and
- reinforcement of the selected project SHE requirements applicable to the tasks for that day.

2.5 Subcontractors

a) All the responsibilities reflected in the section on the responsibilities of principal contractors, which apply to the principal contractor, must apply to the subcontractor.

b) Subcontractors must cooperate with the principal contractor to enable each of them to commit himself/herself to better practice and ensure worker health and safety.

2.6 Joint ventures

- There may be occasions when Eskom and other organisations combine resources to carry out a joint venture.

- Each company 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 construction work is to be managed jointly with a joint venture partner, the requirements imposed on the client in this procedure will also apply to the joint venture.

- Proper management of joint ventures, using an appropriate joint venture agreement that includes, in writing, the health and safety arrangements as required in terms of section 37.2 (if applicable) of the OHS Act, is critical in managing SHE issues.

2.7 Statutory appointments

The principal contractor must compile the statutory occupational health, safety, and environmental structure for the contract, and an organogram, and must appoint the relevant people, in writing. Copies of these appointments must be available on site for inspection and audits.

2.8 Reporting, recording, and investigation of accidents and incidents

a) Where construction work is done by internal service providers:

- All accidents and incidents must be reported, recorded, and investigated in accordance with the OHSA, the NEMA, the National Water Act (NWA), and the Eskom Procedure for the Reporting and Recording and Investigation of Incidents (ESKPVABN9, as revised).

- The BU will compile case studies on all disabling injuries and fatalities.

b) Where construction work is done by principal contractors or subcontractors:

- They must inform the client or the client's appointed agent about the accident or incident within 24 hours.

- They must report all cases as required in terms of legislation.

- The principal contractor must investigate and record all accidents or incidents as required by the OHSA, NEMA, and NWA and table these at the SHE Committee meeting held on site as well as any internal process by the principal contractor.

- The principal contractor must allow the client to participate in any accident or incident investigation if it is linked to any activity within the scope of the construction project.

- The principal contractor must keep on site a record of all accidents and incidents reported in the format of the investigation form (OHS Act − Annexure 1).

- The principal contractor must provide SHE statistics to the client at the end of each month.

- The principal contractor must provide historical SHE statistics as well as lost-time incident rates for the past three years.

- In the case of fatalities, Eskom will conduct formal investigations.

2.9 Non-compliance

a) Eskom views the following at-risk behaviour in a very serious light:

- Anyone disregarding any requirements contained in the OHSA, NEMA, Eskom Health, Safety, and Environmental Policies, this document, site specifications, and approved SHE plans
- Anyone performing an unsafe act or creating an unsafe condition that could pose a danger to such person(s) or to others
- A principal contractor allowing any of his/her own employees or employees of their subcontractors (including casual labourers or labour-broker employees) to work on any site without ensuring that each employee has received proper training

b) Any such person described above will be subjected to a disciplinary process, and if found guilty, this may lead to dismissal in the case of an Eskom employee, and in the case of a principal contractor, it may result in the cancellation of the contract and blacklisting.

3 Supporting clauses

Contents of supporting clauses

Annexures

3.1 Scope

3.1.1 Purpose

This document defines the framework that should be followed to ensure the safety and health of construction workers and the general public and the duty of care to the environment.

3.1.2 Applicability

This procedure must apply to Eskom Holdings Limited and its divisions, subsidiaries, and contractors where construction work is conducted by, or on behalf of, Eskom.

Where construction work is performed by Eskom Holdings Limited and its divisions, subsidiaries, and contractors outside of South Africa, this procedure and any other applicable legislative requirements must apply.

The MHS Act must be applied to any activity associated with tunnelling and underground work.

3.2 Normative/informative references

Parties using this procedure must apply the latest edition of the documents listed below:

- Occupational Health and Safety Act, Act 85 of 1993
- The National Environmental Management Act, Act 107 of 1998
- Compensation for Occupational Injuries and Diseases Act, Act 130 of 1993
- Mine Health and Safety Act, Act 29 of 1996
- National Water Act, Act 36 of 1998 (as amended)
- Project and Construction Management Professions Act, Act 48 of 2000
- 32-94, *Safety, Health and Environment (SHE) Policy*
- ESKPVABN9: *Reporting, Recording and Investigation of Incidents* – Under Review and reallocated a new unique number 32-95
- ESKPVABE4: *Reporting, Recording Investigation and Measuring of Work Injury* – Under Review and incorporated with the unique number 32-95

3.3 Definitions

Note: where there are no definitions, the Occupational Health and Safety Act, 1993 (Act No 85 of 1993: OHSA) or its regulations should be referred to.

3.3.1 Agent: means any external person who acts as a representative for the client and has formally been appointed as such by the client. (Internal Eskom departments must not be appointed as agent.)

3.3.2 Blacklisting: means placing on an Eskom blacklist any organisation, tenderer, contractor, agent, or person regarded as suspicious, untrustworthy, corrupt, or incompetent.

3.3.3 Client: means the Eskom 16.2 appointed person directly involved and for whom construction work is performed on the basis of a contractual agreement formally entered into with either an agent or a principal contractor (external to Eskom).
Note: internal arrangements between Eskom departments, BUs, and divisions must be managed by SLAs where the SHE requirements of all contracting parties are clearly defined.

3.3.4 Contractor: means an employer, as defined in section 1 of the OHSA, who performs construction work for the client either directly or through an agent, and includes principal contractors.

3.3.5 Subcontractor: means a contractor who is employed by a principal contractor and has no direct formal contractual agreement of employment with the client.

3.3.6 Construction work: means any work in connection with –

a) the erection, maintenance, alteration, renovation, repair, demolition, or dismantling of, or addition to, a building or any similar structure;

b) the installation, erection, dismantling, or maintenance of a fixed plant where such work includes the risk of a person falling;

c) the construction, maintenance, demolition, or dismantling of any bridge, dam, canal, road, railway, runway, sewer, or water reticulation system or any similar civil engineering structure; or

d) the moving of earth, the clearing of land, the making of an excavation, piling, or any similar type of work.

3.3.7 Design: in relation to any structure, includes drawings, calculations, design details, and specifications.

3.3.8 Designer: means any of the following persons:

a) A person who prepares a design

b) A person who checks and approves a design

c) A person who arranges for any person at work under his/her control (including an employee of his/hers, where he/she is the employer) to prepare a design

d) An architect or engineer contributing to, or having overall responsibility for, the design

e) A building-services engineer designing details for fixed plant

f) A surveyor specifying articles or drawing up specifications

g) A contractor carrying out design work as part of a design and build project

h) A temporary works engineer designing form work and false work

i) An interior designer, shopfitter, and landscape architect

3.3.9 Duty of care to the environment: anybody who causes or has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing, or recurring. If such harm to the environment is authorised by law, or cannot reasonably be avoided or stopped, such person must minimise and rectify such pollution or degradation of the environment.

3.3.10 Employee: means a person who performs work for an employer. This includes any person who has entered into, or works under, a contract of service, apprenticeship, or learnership with an employer, whether the contract is explicit or implicit, oral or in writing, whether the remuneration is calculated by time or work done and paid for in cash or in kind, and includes a situation where such a person is under the control, instruction, and supervision of Eskom, namely:

- a casual employee employed for the purpose of the employer's business;
- a person who has entered into a contract of service or of apprenticeship or learnership with the employer;
- a person provided to Eskom by a TES (temporary employment service) or a labour broker and who works under the control, instruction, and supervision of an Eskom employee;
- a part-time worker;
- a temporary worker;
- an occasional employee;
- an unattached learner;
- a bursary-holder while under the supervision of Eskom;

- 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 (section 37);
- any contractor, where no written agreement is available, as required in terms of section 37(3) of the OHSA, will be regarded as an employee; and
- any contractor's employees who perform any work under the instruction and/or supervision of an Eskom employee, where the instruction given directly resulted in an injury.

3.3.11 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.

3.3.12 Environment: means:

- i) the land, water, and atmosphere of the earth;
- ii) micro-organisms, plant and animal life;
- any part or combination of (i) and (ii) and the interrelationships among and between them; and the physical, chemical, aesthetic, and cultural properties and conditions of the foregoing that influence human health and well-being.

3.3.13 Hazard: a hazard is defined as any real or potential condition that can cause illness, injury, death, property damage, or loss of equipment or property.

3.3.14 Hazard identification: means the identification and documenting of existing or expected hazards to the safety and health of persons, which hazards are normally associated with the type of construction work being/to be executed.

3.3.15 Internal service provider: means an Eskom department that performs construction work for another Eskom department. Eskom Enterprises Pty Ltd is not regarded as an internal service provider.

3.3.16 Joint venture: means a strategic alliance between two or more parties to undertake economic activity together. The parties agree to create a new entity (incorporated or unincorporated) together by each party's contribution of equity, and they then share in the profits, losses, and control of the enterprise. The venture may be for one specific project only or a continuing business relationship.

3.3.17 Method statement: means a written document detailing the key activities to reduce the hazards identified in any risk assessment. In the case of internal work, it includes procedures, safe work procedures, and work standards.

3.3.18 Procurement practitioner: means a qualified buyer who assists the client/agent during the commercial process to enter into contracts for the procurement of goods and services.

3.3.19 Pollution: means any change in the environment caused by:

- substances;
- radioactive or other waves; or
- noise, odours, dust, or heat,

emitted from any activity, including the storage or treatment of waste or substances, construction, and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or well-being or on the composition, resilience, and productivity of natural or managed ecosystems or on materials useful to people, or will have such an effect in the future.

3.3.20 Pre-job briefing meetings: mean a meeting that is held prior to the commencement of the day's work and that is attended by all the relevant staff members associated with the work task. The job, relevant procedures, associated hazards, and safety measures, that is, the task risk assessments, must be discussed. Each employee who attends the briefing must sign the pre-job briefing form. Toolbox talks must be included in the pre-job briefing meetings. The toolbox topics will be based on SHE issues pertaining to the construction site. The topic contents must be in writing.

3.3.21 Principal contractor: means an employer, as defined in section 1 of the relevant Act, who performs construction work and is appointed by the client or the client's agent to be in overall control and management of a part of, or the whole of, a construction site.

Note: where construction work is performed within Eskom by an Eskom internal service provider, that individual or department will be regarded as the internal service provider for the purpose of this procedure.

3.3.22 Professional natural scientist: means any person holding registration as a professional natural scientist in terms of the Natural Scientific Professions Act, Act No 27 of 2003.

3.3.23 Project: means an activity or a group of activities that has a defined start and end date, a defined scope, and a defined sum of money allocated to complete the activities.

3.3.24 Project manager: means the person who has the responsibility for the successful planning and execution of a project. The project manager must satisfy the certification requirements set by the South African Council for the Project and Construction Management Professions.

3.3.25 Provincial director: means the provincial director as defined in regulation 1 of the General Administrative Regulations under the relevant Act.

3.3.26 Risk assessment: means a programme to determine any hazard at a construction site and to identify the steps needed to remove, reduce, or control such hazard.

3.3.27 Safety, health, and environmental (SHE) specification: means a documented specification of significant residual SHE requirements for a construction site, of which a competent and resourced principal contractor or subcontractor would not have been aware. 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 client compiles the SHE specification, which must be specific to each construction project, site, and scope of work.

3.3.28 Safety, health, and environmental file: means a permanent record containing information about the SHE management system during construction and all information relating to the post-construction phase after the handover to the client, so that the client can maintain the works in a healthy and safe way.

3.3.29 Safety, health, and environmental plan: means a documented plan that addresses the hazards identified in the SHE specification and risk assessments of the project work activities of principal contractors and subcontractors. This plan must include any required method statements, safe work procedures to mitigate, reduce, or control the hazards identified, SHE rules, and monitoring procedures. It is specific to each construction project undertaken and site where work is done, is compiled by the principal contractor or subcontractor, and must be approved by the client or agent prior to the commencement of any construction activities on a project. The principal contractor and the client (or agent, where applicable) must both be signatories to the SHE plan once negotiated, agreed, and accepted. This plan has to be regularly updated to take account of any changes in project scope and unanticipated conditions.

3.3.30 Site: means a specific project site, or the site where the contractor does the work.

3.3.31 Structure: means:

(a) any building, steel or reinforced concrete structure (not being a building), railway line or siding, bridge, waterworks, reservoir, pipe or pipeline, cable, sewer, sewage works, fixed vessels, road, drainage works, earthworks, dam, wall, mast, tower, tower crane, batching plants, pylon, surface and underground tanks, earth retaining structure or any structure designed to preserve or alter any natural feature, and any other similar structure;

(b) any form work, false work, scaffold, or other structure designed or used to provide support or means of access during construction work; or

(c) any fixed plant in respect of work, which includes the installation, commissioning, decommissioning, or dismantling, and where such work involves a risk of a person falling two metres or more.

3.3.32 The Act: means the Occupational Health and Safety Act, No 85 of 1993.

3.4 Abbreviations

3.4.1 Ltd: Limited

3.4.2 R&S: Resources and Strategy

3.4.3 BU: Business Unit

3.4.4 COID: Compensation for Occupational Injuries and Diseases

3.4.5 MHSA: Mine Health and Safety Act

3.4.6 NEMA: National Environmental Management Act

3.4.7 NWA: National Water Act

3.4.8 OHS: Occupational Health and Safety

3.4.9 OHSA: Occupational Health and Safety Act

3.4.10 ORHVS: Operating Regulations for High Voltage Systems

3.4.11 PC: Principal Contractor

3.4.12 PPE: Personal Protective Equipment

3.4.13 SACPCMP: South African Council for the Project and Construction Management Professions

3.4.14 CS: Corporate Sustainability

3.4.15 SHE: Safety, Health, and Environment

3.4.16 SLA: Service-level Agreement

3.4.17 TES: Temporary Employment Service

3.5 Roles and responsibilities

The Chief Executive, as the employer in terms of the OHSA and in general terms, has the overall responsibility and liability for the health and safety of all persons involved at all Eskom construction sites. Within the framework of the OHSA, the Chief Executive as the employer may discharge these duties as far as is reasonably practicable.

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

The delegated employer, in terms of section 16.2 of the OHSA, on behalf of Eskom, is responsible for health and safety during construction work. This is managed in general terms by means of statutory appointments as well as agreements in terms of section 37.2 of the OHSA with regard to mandatory requirements.

There are various ways in which construction work in relation to SHE could be managed. The person requesting that the construction work should be performed on behalf of Eskom (client) may deal with the principal contractor directly or appoint an agent to act on his/her behalf. Should an agent be appointed, all the duties and requirements imposed on the client in terms of legislation and this document must apply to the appointed agent, unless duties have been excluded contractually by the client. In that instance, the client must be responsible and liable for such excluded duties and requirements.

Should the principal contractor appoint a subcontractor, the principal contractor would then have the same role and responsibility in relation to the subcontractors, in a similar way as the client has in relation to the principal contractor.

3.6 Implementation date

The implementation date is 1 May 2007.

3.7 Process for monitoring

The client (Eskom 16.2 appointed person) or his/her delegated person will monitor compliance with this procedure, as described above.

3.8 Related documents

Not applicable.

4 Authorisation

This document has been seen and accepted by:

Name	Designation
TS Gcabashe	Chief Executive
PJ Maroga	Chief Executive Designate and Managing Director (Transmission Division)
B Nqwababa	Finance Director
EN Matya	Managing Director (Generation Division)
MM Ntsokolo	Managing Director (Distribution Division)
JA Dladla	Managing Director (Key Sales and Customer Service Division)
CS Neethling	Senior General Manager (Office of the Chief Executive)
Dr SJ Lennon	Managing Director (Resources and Strategy Division)
ME Letlape	Managing Director (Human Resources Division)
PD Mbonyana	Managing Director (Corporate Division)
BA Dames	Managing Director (Enterprises Division)

5 Revisions

Date	Revision	Remarks
January 2007	0	A procedure with reference number 32-136 was developed, in alignment with the Eskom documentation requirements.

6 Development team

- K Mansingh
- K Pillay
- SN Middel
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- D Kekana
- JA Botha
- T Nair
- G Doubell

Annexure 1
Evaluation of consultants/agents

In terms of the Construction Regulations, section 4(6): no client must appoint any person as an agent, unless the client is reasonably satisfied that the person he or she intends to appoint has the necessary competencies and resources to perform the duties imposed on a client by these regulations.

This questionnaire is supplementary to the general supplier evaluation form and is specifically aimed at assessing competence of the consultant/agent to undertake work under the construction regulations. This questionnaire must be completed and returned with all appropriate documents. This questionnaire will be used by Eskom for all potential consultants/agents who intend to perform work for Eskom in terms of the construction regulations.

	DESCRIPTION
A	Do you have experience in managing contractors on a construction site? Yes □ No □ N/A □ Please indicate how many years' experience you have.
B	Of what professional controlling bodies are you a member?
C	Please outline how you would inspect, evaluate, and monitor the principal contractor's work during construction.
D	Please outline how you would ensure that the principal contractor's health and safety plan is

	implemented.
E	How many permanent employees do you have?
F	Who is the most senior person coordinating health and safety matters, and what is his/her experience? Name: Position: Experience:
G	Please supply two written, completed, signed, and dated risk assessments that the company has carried out in the last one year. The assessments should be relevant to your core business and for activities broadly the same as the contract for which you are tendering. Unrelated assessments or blank forms are not acceptable.
H	What safety training is given to employees, and up to what level of management is it given? TRAINING COURSE FOR WHOM BY WHOM --- --- --- --- --- ---
I	What types of safety records do you keep?
J	Have you received any safety non-conformance issued against you by Eskom or any other company? If so, please provide details, and state what action was taken after the issue of such non-conformance.
K	Do you organise in-house safety meetings?
L	Do you have an established system for communicating with contractors on safety matters? How?
M	Please supply copies of two recent inspections that you have carried out on contractors who have worked under your control.
N	Have you carried out work of a similar nature for Eskom before? If so, please give details.

Annexure 2

Prequalification of Contractors

Purpose: it involves the strategic process of assessing, evaluating, or demonstrating competence and resources in terms of health, safety, and environmental practices.

Contactors will be assessed and evaluated against the following criteria:

1. General information:

This provides an indication of human resource capability to perform work. A company's organisational chart clearly identifies the various roles within an organisation, that is, who manages the company, what the roles of the people within the company are.

2. SHE management system:

- An SHE management system could be explained in a simple document that outlines how a company manages SHE issues.
- An SHE management system usually encompasses elements including, though not limited to, SHE policy, training, communication, incident reporting, risk assessments, and the management of high-risk activities.

3. Operating procedures and practices:

- A safety manual contains all the SHE policies and procedures of the company. The larger the organisation, the more comprehensive this manual should be.
- Procedures should be developed for all high- and medium-risk activities undertaken by employees. Procedures provide employees and subcontractors with a step-by-step process as to how to undertake the work in a safe manner.

4. Training and competencies of employees:

- Has the contractor identified and assessed the type of SHE training that is required for all staff including management?

5. Communication:

Assess the contractor's communication processes and procedures.

Examples of communication documentation include:

- minutes of daily meetings highlighting review of daily site conditions; or
- a sign-off on all documentation (Safe Work Procedures and Job Safety Analysis) on a daily basis.

6. Incident management:

Assess the contractor's procedures for incident reporting and recording.

7. Machinery and equipment:

Assess and evaluate the contractor's planned maintenance schedules and inspection checklists.

8. Environmental issues:

- Do the contractor's employees receive training to ensure that they understand the measures put in place to manage risk/hazards, that is, control measures for environmental risks?

9. Subcontractor management:

- Does the contracting company have a formal method of screening subcontractors?
- How does the contracting company select them?
- Do they have an accreditation system for their subcontractors?

10. Membership:

- Membership of a safety organisation is not a regulatory requirement, but helps to demonstrate an organisation's commitment to health and safety.

Annexure 3
SHE specification

Minimum requirements for SHE specifications must be task-, project-, and site-specific. The various project tasks have to be defined, the associated hazards identified, and the associated risks listed.

Where applicable, the SHE specifications must include, but not be limited to, the following:

- Request from the principal contractor(s) for their current health and safety policy, if one exists
- Request for details of their resources (including their tools, equipment, vehicles, and manpower) in the form of a resource schedule that relates to the project schedule/programme. Note: indicate to the principal contractor that all relevant resources, for example, tools and equipment, must be inspected prior to the commencement of, as well as during, the project.
- Lockout arrangements
- ORHVS
- Plant safety regulations
- Work permit requirements
- Operation and maintenance of vehicles
- Use, storage, and transportation of dangerous goods
- Use of client's equipment and services
- Personal protective equipment
- Reporting requirements
- Induction training
- Medical surveillance and fitness requirements
- Substance-abuse management

- Housekeeping
- Welfare facilities
- Special tools or equipment
- Signage
- Fire fighting and protection
- First aid
- Emergency procedure and contact details
- SHE file: contents and handover
- Job observations
- Cardinal rules
- SHE plan: contents and approval
- Client's project-specific risk assessment
- Documentation pertinent to the project
- REQUIRED MINIMUM APPOINTMENTS SPECIFIC TO PROJECT (WHERE APPLICABLE)

Annexure 4
Minimum contents of the SHE file

1. Health and safety specifications, which will include baseline site-specific risk assessments
2. Approved SHE plan
3. Principal contractor's health and safety policy
4. Agreements as contemplated in section 37(2) of the Act
5. The client's/agent's project organogram
6. The principal contractor's organogram for the specific project
7. A document outlining the delegation of health and safety responsibilities in line with the principal contractor's organogram
8. Copies of safe work procedures
9. Certificates of compliance for electrical installations
10. Fall protection plan where applicable
11. Scaffold plan and inspection records
12. Drawings and designs
13. In the case of modifications, the revised SHE specifications and approved SHE plans and relevant risk assessments
14. All applicable letters of appointment
15. List of contractor employees
16. Inspection schedule and copies of inspection reports
17. Evacuation plans and emergency contact details
18. Training records
19. Medical examination schedule and surveillance records
20. Letter of good standing with the compensation fund or licensed compensation insurer
21. The existing SHE profile of the principal contractor
22. Non-conformance reports
23. Disciplinary action records
24. Incident investigation reports

25. Minutes of toolbox talks
26. Minutes of Health and Safety Committee meetings
27. Monthly audit reports
28. Personal protective equipment records
29. Material safety data sheets
30. Maintenance plans for machinery and equipment
31. Project close-out/review report
32. List and contact details of subcontractors, suppliers, and manufacturers

Annexure 5
Classification of hazards (client use only)

Hazards are normally classified in the following categories.

Hazard/danger	Example	Possible effect (on person)
Physical	Radiation Fire Vibration Lighting Working in elevated positions Working in confined spaces Electricity Dust Hazardous locations	Cancer, burns Burns, heat inhalation, radiation effects Reynard's syndrome, muscle atrophy Accidents due to inability to see danger Falling Asphyxiation, poisoning, engulfment Shock, burns, fire, sparks Asthma, fire, dust explosions Areas where there could be an explosion or fire hazards due to the accumulation of flammable gases or substances
Chemical	Gases Fumes Vapours Mists Liquids Dusts Solids	Poisoning Cancer Diseases Blindness Burns Infertility Dermatitis
Biological	Viruses Bacteria Pathogens Cultures	Diseases
Mechanical	Moving machinery Tools Equipment Chains Gears Conveyor belts Vehicles Forklift trucks Lifting equipment Vessels under pressure Portable gas cylinders Ejection of material from machinery Steam Electrical Excavation Climbing Lifting tackle	Amputations Contusions Cuts Bruises Broken bones Internal injuries
Ergonomic	Workplace design Seating and position Repetitive movements Lifting and manual handling Twisting, bending, and uncomfortable movements Lighting and ventilation Climbing	Back pain, carpal tunnel syndrome, joint pains, infections in tendons, incidents resulting in injuries such as bruises, broken bones, etc., epileptic fits

Annexure 5
(concluded)

Psychosocial	Stress Working hours/shifts Crime Unchallenging work	Loss of concentration, resulting in incidents Substance abuse Injury, post-traumatic stress disorder Boredom, loss of concentration
Behavioural	Workplace culture Management attitude Lack of enforcement Low staff morale New/unusual task Lack of skills	Non-compliance with standards and procedures, resulting in incidents Incident if risk is not properly addressed Incidents due to inadequate skills
Environmental	Noise Heat Cold Slipping and tripping hazards (poor floor conditions)	Noise-induced hearing loss, incidents due to inability to hear warning Heat exhaustion, infertility Loss of normal functional capabilities, resulting in incidents Injury

Hazards can be identified through the following:

- Physical inspection
- Interviews
- Documentation (inventories)
- Accident/incident investigations
- Surveys/audits

After the hazards have been identified, establish as far as reasonably practicable what precautionary measures should be taken to eliminate or mitigate the hazards.